FEPC

HOW IT OPERATES

THE COMMITTEE ON FAIR EMPLOYMENT PRACTICE

Division of Review and Analysis

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE FOR EMERGENCY MANAGEMENT

COMMITTEE MEMBERS

MALCOLM ROSS (*Chairman.*)

JOHN BROPHY, Director of Industrial Union Councils, Congress of Industrial Organizations.

CHARLES L. HORN, President, Federal Cartridge Corporation.

CHARLES H. HOUSTON, Attorney.

BORIS SHISHKIN, Economist, American Federation of Labor.

SARA E. SOUTHALL, Supervisor of Employment and Service, International Harvester Corporation.

MILTON P. WEBSTER, International Vice President, Brotherhood of Sleeping Car Porters, American Federation of Labor.

EXECUTIVE ORDER 8802

* * * I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of workers in defense industries or Government because of race, creed, color, or national origin, and I do hereby declare that it is the duty of employers and of labor organizations, in furtherance of said policy and of this order, to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color, or national origin * * *

FRANKLIN D. ROOSEVELT,
The President of the United States of America.

THE WHITE HOUSE
June 25, 1941

BEGINNING AND GROWTH

Early in the defense program it became evident that full mobilization of American manpower was going to be a major problem. It was also obvious that since minority groups number some thirty million persons in the United States, an important aspect of the overall manpower picture concerned their integration into the war effort. In July 1940 there began a series of measures to prevent discrimination in essential industry.

The National Defense Advisory Commission established an office in its Labor Division to facilitate the utilization and training of Negro workers and later reached an agreement with the American Federation of Labor and the Congress of Industrial Organizations by which they accepted responsibility for removing barriers against such workers. This was followed by announcement by the United States Office of Education of a nondiscrimination policy in the expenditure of Federal funds for vocational training for defense. In October 1940 Congress, in appropriating money for defense training, forbade discrimination against trainees because of sex, race or color.

Special letters and instructions were issued by various Government officials during the next six months. For example, in January 1941 the Administrator of the Federal Works Agency issued a regulation prohibiting discrimination in employment in the construction of defense housing projects. In a memorandum of June 12, 1941 to William S. Knudsen and Sidney Hillman, Directors of the Office of Production Management, President Roosevelt emphasized the need for unity. "No nation combatting the increasing threat of totalitarianism can afford arbitrarily to exclude huge segments of its population from its defense industries," he said. "Even more important is it for us to strengthen our unity and morale by refuting at home the very theories which we are fighting abroad."

On June 25, 1941, in response to growing protest that the steps taken had not proved adequate, the President issued Executive Order 8802 and authorized a Committee on Fair Employment Practice to administer it. The Order stated that it was the duty of employers and of labor organizations "to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color, or national origin." According to Executive Order 8802, the Committee was to "receive and investigate complaints of discrimination in violation of the provisions of this order and . . . take appropriate steps to redress grievances which it finds to be valid." It was also empowered to make recommendations to Government agencies and to the President.

Less than one month later on July 18, 1941, the President appointed a committee of six to serve without compensation. Mark Ethridge, Publisher of the *Louisville Courier-Journal*, was appointed the first Chairman and Lawrence Cramer, former Governor of the Virgin Islands, was called from teaching at Harvard University to become Executive Secretary. Originally the Committee functioned within the Labor Division of the Office of Production Management. On January 26, 1942, when Office of Production Management was abolished, the Committee was transferred to the War Production Board. Dr. Malcolm S. MacLean, President of Hampton Institute, became Chairman in February 1942, and in July of the same year the Committee was transferred as an "organizational entity" to the War Manpower Commission.

By the beginning of 1942 it was apparent that a reorganization was necessary to enable the Committee on Fair Employment Practice effectively to carry on its duties. The staff at maximum had consisted of thirteen officers and twenty-one clerical and stenographic employees, a number far too small to investigate thoroughly the numerous complaints being received by the Committee. Under Executive Order 9346, issued on May 27, 1943, a new Committee with a full-time Chairman was set up as an independent agency.

The new Order enlarged upon Executive Order 8802 while repeating its basic principles. It stated clearly that it was the duty of all employers, including Federal agencies and labor organizations, "to eliminate discrimination in regard to hire, tenure, terms or conditions of employment, or union membership because of race, creed, color, or national origin." Contracting agencies of the Government were directed specifically to require a nondiscrimination provision in all subcontracts in addition to all prime contracts, as was mandatory under Executive Order 8802. The Committee's powers to "conduct hearings and make findings of fact," to promulgate "rules and regulations" and to "take appropriate steps to obtain elimination of such discrimination" were mentioned in detail.

Monsignor Francis J. Haas, Dean of the School of Social Sciences at Catholic University and well-known labor mediator, was appointed Chairman of the new Committee and served until nominated Bishop of Grand Rapids on October 7, 1943. Former Deputy Chairman Malcolm Ross, author and one-time Director of Information of the National Labor Relations Board, was named his successor by President Roosevelt on October 18, 1943.

At the present time in addition to the Chairman the Committee on Fair Employment Practice has six members who represent labor and management. The full-time staff numbers 113 workers, 60 of whom are in the field. The national office in Washington, D. C. has four divisions: Field Operations, Administrative, Legal, and Review and Analysis. In the field there are nine regional offices,

each with a director in charge, and two additional suboffices, one in Detroit in Region V and one in Los Angeles in Region XII.

DUTIES AND JURISDICTION

Responsibility for fair employment practice rests, actually, with the individual employer, union or Government agency. In interpreting and administering Executive Order 9346 the Committee, which is an administrative agency, first must determine how, when and by whom discrimination is practiced, and second, must take appropriate steps to eliminate such discrimination

Definition of complaints and complainants.

FEPC has jurisdiction over complaints of discrimination because of race, creed, color or national origin. The category of noncitizens was not included in Executive Order 8802, nor in the more recent Order. A statement by the President in January 1942 brought aliens within the scope of the Committee's jurisdiction, but the Committee is now seeking clarification of its responsibilities in regard to this group.

Whether because of race, creed, color, or national origin, discrimination may take many different forms. It may be direct by the employer against an employee, as in the case of refusal to hire. A member of a minority group may be employed and later subjected to inferior working conditions. Failure to utilize minority workers at their highest skill level, early and unwarranted dismissal and unequal pay for equal work are additional types of direct discrimination.

Less direct discrimination in employment may be practiced by unions, training institutions and employment agencies. Most of the complaints against unions charge refusal to accept for membership, to issue work permits or to handle grievances, including disputes over seniority and upgrading. There also may be segregation into local auxiliaries in which the Negro worker is denied the right to vote, to bargain collectively, or to participate equally in business negotiations. Complete denial of training and, in addition, unequal facilities where segregated schools exist and where an equal supply of Negro labor is available for training are the chief charges against training institutions. Discriminatory want ads and job specifications sent to employment agencies frequently prevent nonwhite, Jewish, and alien complainants from obtaining war jobs.

Basis of the Committee's authority.

The functions performed by the Committee are carried out for and in the name of the President. The authority delegated to the Committee stems from two Presidential powers: first, the Constitutional authority of the President, as administrative head of the Executive Branch of the Government, to direct the operation and administration of all Federal agencies in this branch of the Government, and second,

his power as Commander in Chief to take all administrative action necessary to assure adequate supplies for the armed forces of the United States. Pursuant to his authority under the former, the President has empowered the Committee to investigate discrimination on the part of Government agencies, Government-sponsored training programs and private industries involved in the performance of Government contracts. The President's power as Commander in Chief underlies his delegation of authority to the Committee to investigate discrimination in all essential war industries.

Agencies within the jurisdiction of the Committee.

Thus, the jurisdiction of the Committee under Executive Order 9346 extends to three categories of complaints alleging discriminatory employment practices:

1. Complaints against all agencies of the Federal Government,
2. Complaints against all employers, and the unions of their employees, having contractual relations with the Federal Government which expressly or by implication contain a nondiscrimination clause regardless of whether such contracts pertain to the war effort, and
3. Complaints against all employers, and the unions of their employees, engaged in industries essential to the war effort, whether or not they have contractual relations with the Government.

The Committee's jurisdiction over complaints against Federal agencies has never been challenged. But questions have been raised regarding the kinds of Government contracts contemplated by the Order and whether or not the inclusion of the Order's nondiscrimination clause in such contracts is mandatory. The latter question has been answered in the affirmative by the President. In defining the kinds of Government contracts contemplated by the Order, the Committee has ruled that the nondiscrimination clause must be included in all contracts made, amended or modified which call for the employment of persons. Such inclusion does not depend upon the amount of money involved and is required even though the contract does not concern war activity.

Jurisdiction over war industries where no contract is involved has been challenged in several cases. The Committee has issued no comprehensive definition of what it regards as war industries. It accepts as a general guide the War Manpower Commission's *List of Essential War Industries*, but it reserves to itself the right to determine in each case whether the party charged is an essential war industry within the meaning of the Order. It has been ruled that steamship lines, railroads, telephone and telegraph companies and local street railway systems in vital industrial areas are essential war industries.

The Committee also has ruled that its jurisdiction extends to all war training programs financed with Federal funds even though operated by private educational institutions.

Agencies not within the jurisdiction of the Committee.

Contrary to popular belief the Committee does not have jurisdiction in a case merely because the party charged is engaged in interstate activities. FEPC has no power to deal with privately owned and operated plants which do not hold Government contracts or subcontracts and which are not engaged in activities essential to the war effort, even though they may be engaged in interstate or foreign commerce. Also excluded from the Committee's jurisdiction are retail stores and local enterprises such as beauty parlors, law offices, specialty shops, etc., which do not hold Government contracts and which are not engaged in services essential to the war effort.

The Committee has no jurisdiction over the armed forces.

PROCEDURE

A case requiring investigation by the Committee on Fair Employment Practice is

(*a*) a signed complaint
(*b*) against a named employer, union or Government agency
(*c*) alleging discrimination
(*d*) relating to employment, placement or training
(*e*) because of race, creed, color or national origin.

When it comes to his attention, a staff member may act upon information pertaining to discriminatory advertisements, placement orders or application forms. In addition, evidence of violation of Executive Order 9346 referred to the Committee by another Government agency may constitute a case.

Method of investigation: Customary steps.

All cases are filed in the regional office of the area in which the alleged discrimination has occurred. Investigation begins as soon as it is decided that the complaint comes within the Committee's jurisdiction. The first steps are to obtain from the complainant whatever additional information may be necessary and to check with other sources for material in regard to the union, employer or Government agency charged. After this, if the Fair Practice Examiner is satisfied that the case has some merit, contact is made with the party charged. If an employer or union official thus reminded of his responsibilities under Executive Order 9346 complies with the recommendations of the Examiner and the Regional Director, the case is closed. In many of these cases negotiations between regional representatives and em-

ployers, union officials or Government officials are required. Most of the cases satisfactorily adjusted in the 11 months' period from July 1, 1943, to May 31, 1944, represent disposition at the regional level.

If a case cannot be adjusted by the usual steps taken at the regional level, the regional office can refer it to the Director of Field Operations in Washington. At both the regional and national levels there is frequent negotiation with the War Manpower Commission or with the contracting agencies of the Government. In some troublesome situations a Fair Practice Examiner is sent from the Washington office to effect a satisfactory disposition of the case. The Committee holds but few public hearings each year, and only in exceptional cases is there referral to the full Committee and the scheduling of a public hearing. This occurs only after all other methods of settlement have been employed unsuccessfully.

Hearings.

The decision to hold a hearing is not automatic. It is made only after the members of the Committee have agreed upon such action. The purpose of public hearings is to determine the existence of discrimination, the duties of employers and the rights of employees under Executive Order 9346.

Hearings conducted by the Committee on Fair Employment Practice are informal, fact-finding proceedings. They are not limited by the legal rules of evidence and procedure. The full Committee, sitting as an impartial body, may hear the case or may authorize its Chairman to appoint a hearing commissioner for the purpose of conducting the hearing. In other instances a panel of Committee members may be designated. In the case of full Committee hearings a number of concerns from the same industry or local area may be investigated at one set of hearings. This practice is followed in part for reasons of economy. Moreover, where several firms in the same industry and/or local area show discrimination in their employment policies, it would be unjust to hold public hearings on some one company.

Ample notice of the hearing and of the specific charges is given to the party charged. Parties may appear in person or be represented by counsel and may examine and cross-examine the witnesses. The Committee may request the party charged to present material, but it has no power to subpoena witnesses or records.

The full Committee reviews the stenographic record of the proceedings before rendering its final decision and entering its findings. At this time it takes corrective measures, which may include recommendations and directives to the parties charged and recommendations to Federal agencies and to the President of the United States to eliminate whatever discriminatory practices have been revealed.

The elimination of discrimination.

In most instances FEPC staff members are able to bring about the adjustment of specific complaints without formal reference to the Committee. Frequently the employer or the union has no idea of how to go about the elimination of discrimination. In these cases FEPC staff members can offer expert advice and counsel on techniques for overcoming employee resistance. Satisfactory disposition is achieved when the party charged complies with the requests of FEPC representatives that it take certain positive steps to correct present discriminatory practices or to guard against their future occurrence. Beyond the settlement of the immediate grievance, such implementation usually consists of written notices and instructions to personnel officers, placement agencies, training institutions and labor unions that the party charged will employ and utilize persons solely on the basis of their qualifications and without regard to their race, creed, color or national origin.

The Committee's directives usually advise the parties charged to issue formal instructions to their own personnel officers and employment agencies that the recruitment, training and placement of workers will be carried on without discrimination.

In addition, the Committee has at times directed companies to hire persons who have been discriminated against or to reinstate workers who have been dismissed for discriminatory reasons. One such instance occurred in December 1942, following a hearing which involved charges brought by seven members of Jehovah's Witnesses. The Committee directed that "the company take immediate steps to offer reinstatement to the seven complainants and to offer them reemployment with full seniority rights they would have enjoyed had they been continuously employed."

The Committee consistently has expressed its conclusions regarding methods of carrying out the purposes of the Executive Orders by means of the well-known administrative procedure of issuing directives. Power to issue directives is implied in Executive Orders 8802 and 9346. Under Executive Order 8802 the Committee "shall take appropriate steps to redress grievances." The corresponding clause in Executive Order 9346 authorizes it to "take appropriate steps to obtain elimination of * * * discrimination." The Committee's authority to issue directives springs from these phrases.

Should the Committee's directives be defied, such violation can be referred to the proper contracting agency, including the War Department, the Navy Department, or the Maritime Commission. Ultimately noncompliance is certified to the President of the United States.

The Committee can also bring such cases of noncompliance to the attention of the Chairman of the War Manpower Commission. A formal agreement executed by the two agencies in August 1943, defines

the respective responsibilities of FEPC and WMC in enforcing the Government's nondiscrimination policies concerning the training, placement, and utilization of manpower.

The War Manpower Commission in carrying out its Employment Stabilization Program may penalize violators of the program's clause prohibiting discriminatory hiring and referral practices. WMC through the United States Employment Service may refuse to service noncomplying employers or may issue certificates of availability to workers against whom discriminatory policies have been practiced. It may refuse the employer clearance for the recruitment of workers outside of his labor market if he imposes discriminatory hiring specifications. It may issue certificates of availability to the workers of a noncomplying employer. Also, in accordance with WMC policy employees who quit in protest over the employment of minority workers may be denied certificates of availability to other employment. The above steps may be taken at either the regional or national level.

Ultimately the President may act under his authority as administrative head of the Executive Branch of the Government or as Commander in Chief of the armed forces to enforce Committee directives.

SCOPE OF ACTIVITIES

Complaints received and investigated.

As of July 1, 1943, FEPC had pending 1,016 cases. During the 11 months' period between that date and May 31, 1944, 3,806 new cases were docketed. During the same period 2,648 cases were closed, leaving the Committee's June 1 case load at 2,188. Nearly 39 percent of the cases closed represented satisfactory adjustments. Dismissal because of lack of jurisdiction over the complaint or because of insufficient evidence accounted for approximately 20 percent of the closings. In addition, 28 percent of the cases were closed on merits, nearly 10 percent were withdrawn by the complainant and not quite 4 percent were dismissed for other reasons. The 1,642 cases in these last four categories represent allegations of discrimination which would have remained as continuing disputes had they not been subjected to a careful examination by a third party.

As of June 1, 1944, FEPC public hearings numbered only eleven. Six of these were held under the auspices of the old Committee, before the issuance of Executive Order 9346. A number of companies and unions were involved, and compliance has been largely good. Certain companies have been especially cooperative. The new Committee has conducted five public hearings: two were based upon charges of discrimination because of creed and involved the Dow Chemical Company in Midland, Mich., and the Northwest Mining and Exchange Company in Du Bois, Pa. The railroad hearings in Washington,

D. C., the boilermaker hearings in Portland, Oreg., and Los Angeles, Calif., and the case of the Philadelphia Transportation Company in Philadelphia, Pa., involved charges of racial discrimination.

Distribution of complaints by race, creed, color, national origin, alienage.

Race and color.—Discrimination on account of race comprised 81 percent of the complaints docketed from July 1, 1943 to May 31, 1944. Practically all of these involved Negroes. For the most part Negro labor in the United States has been disproportionately concentrated in unskilled, domestic, and agricultural occupations. According to the 1940 Census Negro men comprised 60.2 percent of all males in domestic service and Negro women constituted 46.6 percent of all women employed in this field. Colored men formed 21 percent of the males employed as laborers; colored women composed 26.9 percent of such female workers. (Farms and mines are not included.) Negro men were 21 percent of all farm laborers and foremen. It can be seen how disproportionately the Negro was concentrated in the lower work brackets in 1940 when it is considered that Negro males constituted 10.3 percent of the total male working population, and that colored women formed 18.9 percent of the total female working population.[1]

During World War I and for a decade thereafter Negroes made significant occupational gains in such industries as iron, steel, meatpacking, shipbuilding, and automobile manufacturing. The depression seriously hampered these gains, and in 1940 Negroes constituted a smaller proportion of the workers in mining, manufacturing, transportation and communication than they had in 1910.[2] A survey by the Bureau of Employment Security of the Social Security Board, issued in September 1941, revealed that Negroes would not be considered by industry for 51 percent of 282,245 job openings expected to occur by February 1942.[3]

The Tolan Committee, in 1941, found that nine A. F. of L. unions still had constitutional provisions barring Negroes from membership, along with seven unaffiliated organizations. In addition, numerous unions continued to discriminate against Negro workers, excluding them by tacit consent and constitutional ritual and by segregating them into auxiliaries.

---

[1] U. S. Census, *Population, The Labor Force*, Vol. III, Pt. 1, Washington, D. C., U. S. Government Printing Office, 1943, pp. 88 and 89.

[2] Weaver, R. C., "The Employment of Negroes in War Industries," *Journal of Negro Education*, Washington, D. C., Howard University Press, Summer—1943, pp. 386–387.

[3] Bureau of Employment Security, Social Security Board, *Labor Supply and Demand in Selected Defense Occupation Through the Period May–November 1941*, Washington, D. C., Federal Security Agency, September 1941.

Since 1941 the Negro has made considerable advances in the field of industrial employment. In January 1944, according to the War Manpower Commission, nonwhite workers constituted 7.2 percent of the total fifteen million war workers in firms reporting to the United States Employment Service. This shows a good trend. In the beginning of 1942 it was estimated that nonwhite workers constituted only 3 percent of the employees in war industries. By September 1942 the figure was 5.7 percent; in January 1943, 6.4 percent, and in March 1943, 6.7 percent.[4] Negroes have secured significant employment opportunities in shipbuilding, aircraft, blast furnaces, steel works, rolling mills, tanks, communication equipment, explosives, and ammunition.

No reliable data is available on the utilization of nonwhite workers in skilled and semiskilled occupations. Most observers agree that Negroes are being both placed and upgraded to skilled and semiskilled operations in many plants at a startling rate. The WMC has revealed that for the last quarter of 1943, 14.8 percent of nonwhite placements were in other than unskilled occupations.[5] The number of Negroes in operations other than unskilled in industry is perhaps much higher than this figure would indicate since the usual tendency is to upgrade Negroes from unskilled jobs, rather than to take newcomers from the outside at the high levels of employment.

Negroes have also made considerable gains in the Federal Civil Service. A 1938 report by L. J. W. Hayes showed that Negroes composed 8.4 percent of Federal employees in Washington, and that 90 percent were in custodial jobs.[6] In contrast, a study by the Division of Review and Analysis of FEPC, involving a sample which covered 1,957,858 Government employees, showed that as of July 31, 1943, 12.5 percent of these workers were colored. According to this study Negroes composed 18 percent of the total personnel in the departmental service. A large number, 50 percent or more in some agencies, were employed in the clerical, administrative and fiscal category, although in the field service most Negroes were still in custodial classifications.

In general, however, good utilization of Negro labor is spotty and is concentrated in certain industries, in certain areas, and even, in some cases, is limited to specific corporations. There are many industries where the full utilization of nonwhite workers is of critical importance to the war production effort. Among these are the local transit industry, the air frame industry, the cotton textile industry in the South, the jute-spinning industry, the rayon fibre and rayon textile

---

[4] Weaver, R. C., *op. cit.*, p. 391.

[5] Reports and Analysis Service, *Placement Activities*, Washington, D. C., War Manpower Commission, December 1943.

[6] Hayes, L. J. W., *The Negro Federal Government Worker*, Washington, D. C. Masters thesis, Howard University, 1941.

industry, the anti-friction bearing industry and the shipbuilding industry where colored workers are already highly utilized.

The practices of organized labor have not kept pace with the increased employment of the Negro. Today, 13 national or international unions exclude Negroes by constitutional provision, 4 exclude by tacit consent, 9 afford only segregated auxiliary status to Negroes, and 1 excludes by ritual. A number of the large industrial locals of the latter interpret the ritual reference to white persons to mean white of character and thereby admit Negroes. With regard to most situations involving the highest grade mechanics, the ritual is still effective in achieving exclusion.

Creed.—Charges of discrimination because of creed comprised about 9 percent of the complaints received by the Committee during the July 1943–June 1944 period. Most of them came from Jews. Members of this group frequently have been barred from employment through discriminatory want ads or specifications to employment agencies. Application forms on which religion must be designated further such discrimination. In many cases training schools have refused to admit Jews because of past difficulties in placing these graduates.

Discrimination against Jews has been widespread in several fields of employment. Prior to the war it was difficult for persons of Jewish origin to obtain white-collar positions through employment agencies, for a large proportion of these did not refer Jewish applicants to Christian employers, even when the latter placed no discriminatory specifications. Signs with legends such as "no Jewish applicants until further notice" were mentioned in a report by the American Jewish Congress,[1] and even the application forms of some State employment agencies required persons seeking jobs to state their religion. Employment by public utilities, banks, chain stores and industrial concerns was also denied to large number of Jews, although in certain industries they were well represented.

Complaints filed with the Committee from Jews are concentrated in the Northeast section of the country. There are few cases involving discrimination on the part of unions or Government agencies. Most Jewish complaints involve refusal to hire, discriminatory application blanks, and discriminatory advertisements. Those charging discriminatory working conditions usually involve attitudes on the part of fellow workers rather than more direct discrimination on the job.

Orthodox Jews, Seventh Day Adventists and others who regard Saturday as their Sabbath constitute a problem because of the working schedules to which most industries geared to the demands of war production now adhere. Absenteeism related to such practices often has

[1] Cohen, J. X., *Jews, Jobs, and Discrimination*, New York, N. Y. American Jewish Congress, reprinted 1944, p. 4.

led to dismissal, although many plants and agencies have managed to work out satisfactory arrangements for Sabbatarians. John W. Martyn, administrative assistant to the Secretary of War, the late Secretary of the Navy, Frank Knox, and Harry B. Mitchell, president of the Civil Service Commission, in separate statements, have expressed the willingness of their departments to attempt to provide systems whereby their employees can observe religious holidays. These statements have been implemented by departmental instructions.

National origin and alienage.—Discrimination because of national origin alone accounted for slightly more than 6 percent of the complaints docketed by the Committee between July 1, 1943, and May 31, 1944. Some foreign-born citizens are denied employment simply because an employer doubts their loyalty. On the other hand certain groups, largely Spanish-American in origin, have to contend with discrimination of the same type which faces American Negroes. This is especially true in sections of the far West and Southwest.

The problem of placing noncitizens in war jobs is a troublesome one. During the 11 months' period mentioned above, discriminatory acts against aliens constituted approximately 5 percent of FEPC's docketed cases. Most discrimination of this kind arises from delay on the part of employers engaged in war production to process the necessary clearance. Sections in two acts of Congress, passed in 1926 and 1940, forbade the employment of aliens in the performance of aeronautical, secret, restricted or confidential contracts without the written consent of the Secretary of the department concerned. Although the latter Act has expired and the 1926 Act covers only aeronautical contracts, the War and Navy Departments and the Maritime Commission continue to require written consent for the employment of aliens on such "classified" contracts.

The number of complaints received by the former Committee from aliens proved the existence of confusion among employers and applicants alike. In March 1943 discrimination against aliens still comprised FEPC's second largest group of complaints. A series of steps has served to alleviate the situation. On July 11, 1942, President Roosevelt issued a clarifying statement, setting forth the official position on the employment of noncitizens and outlining procedures to be followed in hiring them. This was reaffirmed on June 7, 1943, in a joint statement by the Secretary of War, the Secretary of the Navy, the Attorney General and the Chairman of the Maritime Commission.

According to section 205 of the Independent Offices Appropriations Act, approved June 26, 1943, aliens who are nationals of any of the United Nations may now be employed by the Government agencies whose appropriations are provided by this act.

In recent months the paper work and the time needed for clearance of applications have served as the chief obstacles to the employment of aliens. At this time the Provost Marshal General has brought

about decentralization of the investigation and clearance of alien applications. This process should reduce considerably the time required for clearance.

* * * * * * *

As a war agency the Committee on Fair Employment Practice is concerned with bringing about the fullest utilization of all available manpower for the fight against the Axis. Its functions are the direct expression of Government policy and are aimed at eliminating discriminatory practices, which in the present emergency tend seriously to impair workers' morale and national unity. The current need for labor does not allow for the continuance of habits which bar qualified workers from employment and prolong the day of victory.

EXECUTIVE ORDER

No. 9346

FURTHER AMENDING EXECUTIVE ORDER NO. 8802 BY ESTABLISHING A NEW COMMITTEE ON FAIR EMPLOYMENT PRACTICE AND DEFINING ITS POWERS AND DUTIES

In order to establish a new Committee on Fair Employment Practice, to promote the fullest utilization of all available manpower, and to eliminate discriminatory employment practices, Executive Order No. 8802 of June 25, 1941, as amended by Executive Order No. 8823 of July 18, 1941, is hereby amended to read as follows:

"WHEREAS the successful prosecution of the war demands the maximum employment of all available workers regardless of race, creed, color, or national origin; and

"WHEREAS it is the policy of the United States to encourage full participation in the war effort by all persons in the United States regardless of race, creed, color, or national origin, in the firm belief that the democratic way of life within the nation can be defended successfully only with the help and support of all groups within its borders; and

"WHEREAS there is evidence that available and needed workers have been barred from employment in industries engaged in war production solely by reason of their race, creed, color, or national origin, to the detriment of the prosecution of the war, the workers' morale, and national unity:

"Now, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the Army and Navy, I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of any person in war industries or in Government by reason of race, creed, color, or national origin, and I do hereby declare that it is the duty of all employers, including the several Federal departments and agencies, and all labor organizations, in furtherance of this policy and of this Order, to eliminate discrimination in regard to hire, tenure, terms or conditions of employment, or union membership because of race, creed, color, or national origin.

"It is hereby ordered as follows:

"1. All contracting agencies of the Government of the United States shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin and requiring him to include a similar provision in all subcontracts.

"2. All departments and agencies of the Government of the United States concerned with vocational and training programs for war production shall take all measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin.

"3. There is hereby established in the Office for Emergency Management of the Executive Office of the President a Committee on Fair Employment Practice, hereinafter referred to as the Committee, which shall consist of a Chairman and not more than six other members to be appointed by the President. The Chairman shall receive such salary as shall be fixed by the President not exceeding $10,000 per year. The other members of the Committee shall receive necessary traveling expenses and, unless their compensation is otherwise prescribed by the President, a per diem allowance not exceeding twenty-five dollars per day and subsistence expenses on such days as they are actually engaged in the performance of duties pursuant to this Order.

"4. The Committee shall formulate policies to achieve the purposes of this Order and shall make recommendations to the various Federal departments and agencies and to the President which it deems necessary and proper to make effective the provisions of this Order. The Committee shall also recommend to the Chairman of the War Manpower Commission appropriate measures for bringing about the full utilization and training of manpower in and for war production without discrimination because of race, creed, color, or national origin.

"5. The Committee shall receive and investigate complaints of discrimination forbidden by this Order. It may conduct hearings, make findings of fact, and take appropriate steps to obtain elimination of such discrimination.

"6. Upon the appointment of the Committee and the designation of its Chairman, the Fair Employment Practice Committee established by Executive Order No. 8802 of June 25, 1941, hereinafter referred to as the old Committee, shall cease to exist. All records and property of the old Committee and such unexpended balances of allocations or other funds available for its use as the Director of the Bureau of the Budget shall determine shall be transferred to the Committee. The Committee shall assume jurisdiction over all complaints and matters pending before the old Committee and shall conduct such investigations and hearings as may be necessary in the performance of its duties under this Order.

"7. Within the limits of the funds which may be made available for that purpose, the Chairman shall appoint and fix the compensation of such personnel and make provision for such supplies, facilities, and services as may be necessary to carry out this Order. The Committee may utilize the services and facilities of other Federal departments and agencies and such voluntary and uncompensated services as may from time to time be needed. The Committee may accept the services of State and local authorities and officials, and may perform the functions and duties and exercise the powers conferred upon it by this Order through such officials and agencies and in such manner as it may determine.

"8. The Committee shall have the power to promulgate such rules and regulations as may be appropriate or necessary to carry out the provisions of this Order.

"9. The provisions of any other pertinent Executive order inconsistent with this Order are hereby superseded."

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 27, 1943.

DIRECTORY OF FAIR EMPLOYMENT PRACTICE COMMITTEE OFFICES

Central Office: 261 Constitution Avenue NW.,
Washington 25, D. C., Republic 7500

OFFICE OF THE CHAIRMAN

MALCOLM ROSS, Chairman, Room 319, Extension 5101.

OFFICE OF THE DEPUTY CHAIRMAN AND ACTING DIRECTOR OF HEARINGS DIVISION

GEORGE M. JOHNSON, Deputy Chairman, Room 320, Extension 4365.

ADMINISTRATIVE DIVISION

THEODORE A. JONES, Administrative Officer, Room 315, Extension 5568.

INFORMATION

ST. CLAIR T. BOURNE, Information Specialist, Room 321, Extension 4581.

DIVISION OF FIELD OPERATIONS

WILL MASLOW, Director, Room 317, Extension 5310. CLARENCE M. MITCHELL, Associate Director, Room 307, Extension 5931. EUGENE DAVIDSON, Assistant Director, Room 313, Extension 5622.

DIVISION OF REVIEW AND ANALYSIS

JOHN A. DAVIS, Director, Room 337, Extension 3328. MARJORIE M. LAWSON, Assistant Director, Room 333, Extension 3130.

REGIONAL OFFICES

REGIONS I AND II

(Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York.)

EDWARD H. LAWSON, Regional Director, 5420 Empire State Building, 350 Fifth Avenue, New York 1, New York., Murray Hill 3-6800, Ext. 300.

REGION III

(Pennsylvania, New Jersey, Delaware.)

G. JAMES FLEMING, Regional Director, 803 Stephen Girard Building, 21 South 12th Street, Philadelphia 7, Pa., Rittenhouse 9420, Ext. 282.

REGION IV

(District of Columbia, Maryland, West Virginia, North Carolina, Virginia.)

JOSEPH H. B. EVANS, Acting Regional Director, 339-A, Standard Oil Building, 261 Constitution Avenue NW., Washington 25, D. C., Republic 7500, Ext. 3650.

REGION V

(Ohio, Kentucky, Michigan.)

WILLIAM T. MCKNIGHT, Regional Director, 860 Union Commerce Building, East 9th Street and Euclid Avenue, Cleveland 14, Ohio, Cherry 7900, Ext. 283.

(Suboffice—Michigan)

EDWARD M. SWAN, Examiner-in-Charge, 1516 Penobscot Building, Griswold and Fort Streets, Detroit 26, Mich., Randolph 2808, Ext. 73.

REGIONS VI AND VIII

(Illinois, Indiana, Wisconsin, North Dakota, South Dakota, Nebraska, Minnesota, Iowa.)

ELMER W. HENDERSON, Regional Director, Room 1549, 222 West Adams Street, Chicago 6, Ill., Andover 3600, Ext. 180.

REGION VII

(Georgia, South Carolina, Tennessee, Alabama, Florida, Mississippi.)

A. BRUCE HUNT, Regional Director, Room 525, 10 Forsythe Street Building, Atlanta 3, Ga., Walnut 4121, Ext. 562.

REGIONS IX AND XI

(Kansas, Missouri, Oklahoma, Arkansas, Colorado, Idaho, Wyoming, Montana, Utah.)

ROY A. HOGLUND, Regional Director, 724 Rialto Building, 906 Grand Avenue, Kansas City 6, Mo., Harrison 6464, Ext. 16.

REGION X

(Texas, Louisiana, New Mexico.)

LEONARD M. BRIN, Regional Director, Suite 1001, Mercantile Bank Building, Ervay and Main Streets, Dallas 1, Tex., Riverside 5711, Ext. 440.

DR. CARLOS E. CASTEÑEDA, Special Assistant to Chairman on Latin-American Affairs, 930 Irwin-Keasler Building, Commerce and Ervay Streets, Dallas 1, Tex., Riverside 5711, Ext. 740.

REGION XII

(California, Washington, Oregon, Nevada)

HARRY L. KINGMAN, Regional Director, 627 Furniture Mart Building, 1355 Market Street, San Francisco 3, Calif., Klondike 2-2300, Ext. 985.

(Suboffice—Los Angeles Area.)

ROBERT E. BROWN, JR., Examiner-in-Charge, 342 Western Pacific Building, 1031 South Broadway, Los Angeles 15, Calif., Prospect 4971, Ext. 41.

U. S. GOVERNMENT PRINTING OFFICE: 1944

A SUMMARY OF THE HEARINGS OF THE PRESIDENT'S COMMITTEE ON FAIR EMPLOYMENT PRACTICE HELD IN NEW YORK, NEW YORK FEBRUARY 16 AND 17, 1942, WITH FINDINGS AND DIRECTIONS

The morning session of the New York hearings was devoted to general statements by the Chairman of the Committee, Dr. Malcolm S. MacLean and by individuals representing the Church, State and City officials and individuals representing minority groups.

Chairman MacLean gave a brief history of government policy relating to discrimination and stated that "to draw lines of employment on any basis except that of fitness is to deny ourselves the full use of our man power.... but even more serious than that is the fact that it impairs national morale, slows doy our war effort, and increases the threat of our destruction." He added that "this is an all-out war and anything that does not fall into line with that idea is very close to treason."

The nature of the hearings was made clear by the following statement of the Chairman of the Committee:

> "It is understood that the complainants will be heard and that those companies and employers complained against will have as usual in legal procedure, the full right to be represented by counsel and to cross-examine witnesses. It is also understood that the Committee, as such, has no special interest in any companies; that we make no prejudgment whatsoever; that the results of the hearings are deliberated upon in detail by the Committee after all evidence is in; that in addition to such other powers which the Committee has and may exercise, it also has the power and privilege to report to the President of the United States directly and to make its findings public."

Chairman MacLean also made a statement indicating the Committee's attitude on the problem of discrimination against aliens.

The following is a summary of the hearings on certain firms and the findings, directions and recommendations of the Committee:

WRIGHT AERONAUTICAL CORPORATION PATERSON, NEW JERSEY

This Corporation was represented by Mr. Philip B. Taylor, Vice President, and Mr. Ferdinand A. Delaponha, Attorney. The attorney asked and was granted permission to appear at a subsequent hearing to answer charges made against the company.

It was alleged that the corporation maintained a discriminatory policy and practice against the employment of Negroes in its Paterson, New Jersey plant.

Reports of the Negro Employment and Training Branch, Labor Division, War Production Board, stated that trainees for work at the plant were accepted from courses conducted at the Paterson Vocational School but that all Negroes who applied up to about November 1, 1941 had been refused admission; that on August 13, 20, and 27, 1941 no Negroes were accepted out of 12 to 14 who were referred by the

State Employment Service, although 66 white persons were employed out of 88 referred during this same period.

Mr. Irving Abramson, State President of New Jersey CIO Council, submitted a letter written to him by the State Employment Service stating that the Paterson Vocational School was organized by officials of the Wright Aeronautical Corporation in January 1940 and that "since that time has been dominated by same principles." He also submitted a letter to him from Thomas Kelley, Secretary of the Board of Education, Paterson, New Jersey, stating that it was true that up to October, 1941, no Negroes had been admitted to the Vocational Training School at Paterson and justified such exclusion on the basis of "policies which require that no training should be given unless there is a specific job for which to give training and that no training should be given unless there are prospects of employment immediately upon completion of the training." Mr. Abramson also stated that the Assistant Director of the Paterson Vocational School had told him in October 1941 that 3,500 pupils had received training but that this number included no Negroes. He declared that 4 out of 7 "labor representatives" on the school's Advisory Committee are from the Wright plant union and the policies of the school are dictated by this Advisory Committee.

Robert Smith, a graduate of Ohio State University, former consulting engineer for Smith J. Hobson in Columbus, Ohio, former Supervising Electrical Engineer for the Republic of Liberia and former chief electrician for the Locher Battery and Manufacturing Company, stated that he answered an advertisement with box address asking for electricians, and received a letter from the Wright Aeronautical Corporation to report for an interview at the East Paterson Plant; that he reported and was told by a company interviewer that he could not be given the job "because the only work he had in that plant for Negroes was in the Foundry" and because he "couldn't employ Negroes as electricians;" that because he needed work badly he took a job as laborer in the Foundry at 54 cents per hour; that later he read a sign on the bulletin board announcing that employees wishing to go to the Paterson Vocational School should apply at the Foundry office; that he did so appl; and was refused referral to the school by the Foundry foreman.

Mrs. Fannie Curtis, president of the Paterson Branch of the National Association for the Advancement of Colored People, stated that she was told by Mr. Bergen, manager of the New Jersey Employment Service and by Mr. Mason, Directon of the Paterson Vocational School that boys admitted to the school must first be approved by the Wright Aeronautical Corporation. She also stated that the policy and practice of the school was to refuse admission to Negroes because the Wright Corporation was against their employment, a policy enunciated in March 1941 to her by officials of the Wright plant that they "wouldn't risk at this time putting one Negro on a machine."

FINDINGS

The Committee notes that prior to the formulation of these findings the Wright Aeronautical Corporation withdrew its request for a public hearing of its defense to these charges and advised the Committee in writing: That it had by memorandum advised each of its 900 supervisory officers of the provisions of Executive Order 8802, and of their affirmative duty to comply with its provisions; that it had clarified its policy to the Paterson Board of Education and the Paterson Vocational School and had announced its readiness to accept trainees for employment without regard to race, creed, color or national origin; that it had employed a Negro in its Personnel Department to assist in recruiting and upgrading workers.

The Committee finds that the corporation had engaged in discriminatory employment practices both in hiring and in directing the admission policy of the Paterson Vocational Training School and that the practices were in effect for some time prior to the hearings and continued up to the date of the hearings. However, the Committee finds that since the hearings the corporation has taken certain steps to eliminate improper discriminatory practices, the result of which the Committee cannot at this time determine.

The Committee finds that the corporation discriminated against one Robert Smith, 336 McDonough Street, Brooklyn, New York, both in denying him employment as an electrician when there was need for electricians and in refusing him admission to the Paterson Vocational School over which the corporation had general control, and the Committee directs the corporation to employ Mr. Robert Smith in line with his qualifications if he is still available for employment.

The Committee directs the corporation to file with it a monthly report setting forth the number and classifications of new workers employed by it, the number and classifications of Negroes included in this group of new employees, and the number and classifications of Negroes who are upgraded.

The Committee further directs that the corporation give written notice to all employment agencies to which it submits orders, including the office of the United States Employment Service, advising that the plant will accept applicants for all classifications of employment without regard to race, color, creed or national origin, copies of such notices to be transmitted to the Committee.

The Committee further directs that the corporation give written authority to all public and private employment agencies from which it recruits workers, to make the company's requisitions for employees available to the Committee.

BECTON, DICKINSON AND COMPANY
EAST RUTHERFORD, N. J.

This company was represented by Colonel Fairleigh S. Dickinson, President, and Mr. F. S. Kellogg, Attorney. It was admitted that the company employs no Negroes among its 1,000 employees. Col. Dickinson denied, however, that there was any policy against the employment of Negroes.

Mrs. Kathleen A. Gibbs stated that she and another colored woman had applied for employment and were refused and told by the receptionist that the firm "did not employ colored people" and that she was informed by the President of the Company that it "did not employ colored people, that it just wouldn't work."

Mr. I. C. Newberry, Controller of the Company, declared that the firm followed no policy of discrimination in employment; that it had no Negroes but this was purely accidental, and that Negroes either had not applied or those who had applied were unfit. He testified that no inquiry was made in application forms regarding race, color or creed. Asked if he was "in sympathy with the spirit of Executive Order 8802," Mr. Newberry responded that, "Irrespective of my opinion or anyone's opinions on any statute or regulation or regulatory ruling, we must obey it."

Colonel Dickinson, President of the Company, stated that he had no policy against the employment of Negroes and denied that he told Mrs. Gibbs that he was prejudiced against Negroes. He also denied that he had told either of the women that there was any policy on the part of the company not to hire Negroes.

Colonel Dickinson stated, however, that "the work was foreign to the character of the work the average colored person was accustomed to."

Mr. Gaunt, Personnel Director of the Company, denied a policy of discrimination. He stated that except for a Secretary, no requisition for workers had been made from the State Employment Service within the past three months, that no specifications as to race, or color had been made and that the Committee was at liberty to inquire of the USES to verify his statement.

The records of the USES shows that all requisitions for this Company between August 25, 1941 and January 2, 1942 contained notations calling for white workers only.

FINDINGS

The Committee finds that this company has discriminated in its employment practices against Negroes solely because of their race in violation of Executive Order 8802, and directs that the company immediately cease and desist from such discriminatory employment practices.

The Committee also directs that the company institute and establish hiring, upgrading and promotional procedures which will insure the employment of workers in line with the principles of Executive Order 8802 and directs the proper policy-making officials of the company to give written notice to each of their employees in charge of employment strictly to follow such procedures. The Committee directs the company to furnish the Committee with copies of such instructions.

The Committee further directs the company to employ applicants without regard to race, creed, color or national origin and to extend its in-plant training to all qualified employees without regard to race, creed, color or national origin, and it directs the company to file with the Committee a monthly report setting forth the number and classifications of new workers employed by it, the number and classification of Negroes included in this group of new employees, and the number and classification of Negroes who are upgraded.

The Committee further directs that the company cease and desist from submitting orders to public or private employment agencies in which it gives special specifications as to race, creed, color or national origin, and directs that the company give written notice to all employment agencies to which it submits orders, including the office of the United States Employment Service, advising that the company will accept and will employ applicants for all classifications of employment without regard to race, creed, color or national origin, copies of such notices to be transmitted to the Committee.

The Committee further directs that the company give written authority to all public and private employment agencies from which it recruits workers, to make the company's requisitions for employees available to the Committee.

FAIRCHILD AVIATION CORPORATION
JAMAICA, NEW YORK

This Corporation was represented by Mr. J. S. Ogsbury, Jr., Assistant to the Secretary, Mr. Robert Brown, Personnel Manager, and Mr. Ernest Robinson.

The Committee received complaint that the company discriminates against Negroes and Jews in employment.

Mr. Edward Lawson, Field Assistant, Labor Division, War Production Board stated that the Fairchild Corporation is located in a community of more than 20,000 Negroes who constitute about 20% of the population. He stated that after a conference with officials of the company in September 1941 they had promised the President's Committee that the company would employ qualified persons regardless of race creed, color or national origin; that thereafter a number of persons with qualifications specified by the company were sent for employment, but all were refused for one reason or another. Mr. Lawson stated that Mr. Robert Brown, Personnel Manager, had told him that between 55 and 65 Negroes had made applications for jobs within the past two months. This Mr. Brown admitted. Mr. Lawson stated that Mr. Brown had told him a month ago that no Negroes had been employed in skilled jobs. Mr. Ogsbury stated that the Company now employs one Negro as drill press operator, two as final assembly-men and one as porter.

Mr. Richard Parris, Director of the Office of Negro Affairs of the National Youth Administration of New York and Long Island, stated that on specifications set forth by Mr. Brown, he had sent in December 1941 ten Negro boys to the company for employment, all of whom on the basis of NYA rating and experience cards more than filled these specifications. None of the boys was employed. This testimony was not controverted.

William Pringle and Isadore Goldstein declared that at the request of the Fairchild Corporation the whole of their class at the Jamaica Vocational School was sent to the company's employment office to be interviewed for jobs; that all were taken by Fairchild except the seven Jews who disclosed their religion in their applications and one Gentile who allegedly was refused employment because of his former field of work and that one Jew who put his religion down as Catholic was employed.

Mr. Goldstein testified that when he suggested to the interviewer that his Jewish religion was the reason he did not get the job, the interviewer replied, "I just work here." Goldstein testified that he is now working at the Trojan Metal Works doing the same work for which he sought a job at the Fairchild Corporation.

Mr. Brown, Personnel Manager of the Company, stated that the company had recently employed five Negroes out of fifty-six applicants; that a great deal of stress was put on character in determining a man's fitness for a job. He denied that the company discriminated against Negroes or Jews, but stated that the application blanks of the company inquired as to race and religion. According to Mr. Brown, the company had never sent in discriminatory orders to the public employment service. USES report shows that up to September 1, 1941, Fairchild Corporation requisitions contained notations calling for "White Christian" employees.

FINDINGS

The Committee finds that the Fairchild Aviation Corporation discriminate in its employment practice against Jews solely on account of their religion in violation of Executive Order 8802.

The Committee finds further that the Corporation discriminated in its employment practice against Negroes solely on account of their race up to a short time prior to the hearings; that shortly before the hearings the corporation employed four Negroes in other than custodial work.

The Committee directs that the company institute and establish hiring, upgrading and promotional procedures which will insure the employment of workers i

line with the principles of Executive Order 8802, and directs the proper policy-making officials of the corporation to give written notice to each of their employees in charge of employment strictly to follow such procedures. The Committee directs the company to furnish the Committee with copies of such instructions.

The Committee further directs the corporation to employ applicants without regard to race, creed, color or national origin and to extend its in-plant training to all qualified employees without regard to race, creed, color or national origin, and it directs the corporation to file with the Committee a monthly report setting forth the number and classifications of new workers employed by it, the number and classifications of Negroes and Jews included in this group of new employees, and the number and classifications of Negroes and Jews who are upgraded.

The Committee further directs that the company cease and desist from submitting orders to public or private employment agencies in which it gives specifications as to race, creed, color or national origin, and directs that the corporation give written notice to all employment agencies to which they submit orders, including the office of the United States Employment Service, advising that the corporation will accept and will employ applicants for all classifications of employment without regard to race, creed, color or national origin, copies of such notices to be transmitted to the Committee.

The Committee further directs that the corporation give written authority to all public and private employment agencies from which it recruits workers, to make the corporation's requisitions for employees available to the Committee.

BABCOCK & WILCOX COMPANY
BAYONNE, N. J.

This company was represented by Mr. C. H. Kibler, Personnel Manager, and Mr. D. W. Ebbert, Attorney. The Committee received complaint that the company maintains a policy of discrimination against Negroes.

Mr. Sol Potegal, organizer for United Electrical Radio and Machine Workers of America, declared that 20 Negroes had been sent to the company and that none of these or any other Negroes were hired although the company had many times been urged to do so at Union grievance meetings; that in January 1942 Mr. Kibler, Personnel Manager, told the Union Committee, "the company is satisfied with the type of white help it has been getting. We don't discriminate, but we feel it is not necessary to hire these people. There may come a time when we may have to hire even women--and Negroes, too--but right now we don't have to;" that application cards from Negroes were marked "colored" and apparently segregated in the company files. Mr. Potegal's testimony was not controverted.

Mr. Ebbert did not deny that there were no Negroes employed at the Bayonne, N. J. plant. He stated, however, that Negroes constituted 12.7% of the total employment in the company's four plants. He was unable to state how many Negroes were in skilled occupations although he said there were some. He stated that the company had no policy of discrimination but admitted that its application blanks contained inquiries as to race. Upon questioning, Mr. Ebbert said, "I think there are recognized racial aptitudes; now whether or not they are correct, they have been recognized." Subsequently he declared that he did not personally recognize the existence of racial aptitudes.

FINDINGS

The Committee finds that Babcock & Wilcox Company has in its Bayonne, N. J. plant discriminated in its employment practices against Negroes solely because of their race, in violation of the provisions of Executive Order 8802.

The Committee directs that the company institute and establish hiring, upgrading and promotional procedures which will insure the employment of workers in line with the principles of Executive Order 8802, and directs the proper policy-making officials of the company to give written notice to each of their employees in charge of employment strictly to follow such procedures. The Committee directs the company to furnish the Committee with copies of such instructions.

The Committee further directs the company to employ applicants without regard to race, creed, color or national origin and to extend its in-plant training to all qualified employees without regard to race, creed, color or national origin, and it directs the corporation to file with the Committee a monthly report setting forth the number and classifications of new workers employed by it, the number and classification of Negroes included in this group of new employees, and the number and classification of Negroes who are upgraded.

The Committee further directs that the company give written notice to all employment agencies to which they submit orders, including the office of the United States Employment Service, advising that the company will accept and will employ applicants for all classifications of employment without regard to race, creed, color or national origin, copies of such notices to be transmitted to the Committee.

The Committee further directs that the company give written authority to all public and private employment agencies from which it recruits workers, to make the company's requisitions for employees available to the Committee.

CARL NORDEN, INC.
NEW YORK, N. Y.

This company was represented by Mr. Eugene R. Hack, Personnel Director, Mr. R. S. Fay, Industrial Engineer of the company; and Mr. S. H. Chapin, Attorney.

The Committee received complaints that the company maintains a policy of discrimination against Negroes.

Mr. Edward Lawson, Field Assistant, Labor Division, War Production Board, testified that in January 1942 a Mr. Clarence Dyall had reported to him that he had been referred to this company for a job as a carpenter but when he reached the company he was told that there was no job open although a check with the State Employment Service indicated the company had just called a few minutes earlier for carpenters. Mr. Lawson also stated that another carpenter, Wolsey Payne, had also been sent to the company but had been told by an interviewer that "he wasn't the type." Mr. Lawson stated further that the company did not employ any Negroes in its New York plant.

Mr. Chapin testified that the reason Dyall was not employed was that Dyall had said on his application blank that he had not worked as a carpenter since 1934. A photostat copy of his application blank confirmed this. Mr. Chapin denied that the company had any policy of discrimination against Negroes. He said that in the company plant outside of New York City, 20 or 30 of the 200 trainees were Negroes.

Mr. Eugene R. Mack, Personnel Director of the company, denied that the company had any discriminatory policy or practice, and stated that the company had never made any discriminatory requisitions to the public employment service.

The records of the USES show that all requisitions for this company up to September 1, 1941 contained notations calling for "White Christian" employees.

The records of the USES reveal that immediately prior to the effective date of the Mahoney Act, New York State which imposes penalties on war contractors who discriminate in their employment practices against persons because of race, creed or color, representatives of the New York State Employment Service discussed the provisions of Executive Order 8802 with representatives of the company. The records of the USES also show that on September 2 the company withdrew an unfilled order for workers incorporating discriminatory specifications and cancelled all orders with this service.

FINDINGS

The Committee finds that this company has discriminated in its employment practices against Negroes solely because of their race, in violation of Executive Order 8802, in that the company has submitted orders for workers incorporating discriminatory specifications and failed to employ any Negroes in its New York plant.

The Committee directs that the company institute and establish hiring, upgrading and promotional procedures which will insure the employment of workers in line with the principles of Executive Order 8802 and directs the proper policy-making officials of the company to give written notice to each of their employees in charge of employment strictly to follow such procedures. The Committee directs the company to furnish the Committee with copies of such instructions.

The Committee further directs the company to employ applicants without regard to race, creed, color or national origin and to extend its in-plant training to all qualified employees without regard to race, creed, color or national origin and it directs the company to file with the Committee a monthly report setting forth the number and classifications of new workers employed by it, the number and classification of Negroes included in this group of new employees, and the number and classification of Negroes who are upgraded.

The Committee further directs that the company cease and desist from submitting orders to public or private employment agencies in which it gives specifications as to race, creed, color or national origin, and directs that the company give written notice to all employment agencies to which it submits orders, including the office of the United States Employment Service, advising that the company will accept and will employ applicants for all classifications of employment without regard to race, creed, color or national origin, copies of such notices to be transmitted to the Committee.

The Committee further directs that the company give written authority to all public and private employment agencies from which it recruits workers, to make the company's requisitions for employees available to the Committee.

TITEFLEX METAL HOSE COMPANY
Newark, N. J.

This company was represented by Mr. P. L. Proctor, Treasurer and Vice-President of the company; Miss Ruth Breder, Personnel Director; and Mr. John F. Evans, Attorney.

The Committee received complaints that the company discriminates against Jews.

An advertisement for "Gentiles" was placed in the Detroit News of November 23, 1941 by David Ingalls, head of the Engineering Department of the company. Representatives of the company stated that the company had Jews in its employ and denied discrimination against Jews.

Marvin Jager, Field Representative of the Commission on Economic Problems of the American Jewish Congress, stated that in a conference with Mr. Elbert E. Husted, Vice-President of the company, about January 12, 1942, he was told that there was question as to whether the company should employ Jews, because they had to have contact with other people who might object to Jews. This testimony was not controverted.

Three affidavits signed by Bernard Shapiro stated that he had been denie employment on account of his religion and that he had been required to fill out a mimeographed blank calling for disclosure of the religion of the applicant. Compar officials denied that any such blank existed.

Mr. Proctor, Vice-President of the company, admitted that the advertisement had been placed, but stated it had not come to the attention of the executive officers and that the company has no policy of discrimination against employment of Jews.

Miss Ruth Breder denied that the employment blanks of the company required disclosure of applicants' religion or race and declared that no requisitions with discriminatory specifications against Jews had ever been made.

The records of the USES show that three of four requisitions for this company between August 20, 1941 and September 2, 1941 contained notations calling for Catholics or Protestants.

Although the company was not charged with discrimination against Negroes it voluntarily submitted a statement declaring it did not deny employment to Negroes.

FINDINGS

The Committee finds that the Titeflex Metal Hose Company has discriminated in its employment practice and policy against Jews solely on account of their religion in violation of the provisions of Executive Order 8802.

The Committee directs that the company institute and establish hiring, upgrading and promotional procedures which will insure the employment of workers in line with the principles of Executive Order 8802 and directs the proper policy-making officials of the company to give written notice to each of their employees in charge of employment strictly to follow such procedures. The Committee directs the company to furnish the Committee with copies of such instructions.

The Committee further directs the company to employ applicants without regard to race, creed, color or national origin and to extend its in-plant trainin to all qualified employees without regard to race, creed, color or national origin and it directs the company to file with the Committee a monthly report setting forth the number and classifications of new workers employed by it, the number and classification of Jews included in this group of new employees, and the number and classification of Jews who are upgraded.

The Committee further directs that the company cease and desist from submitting orders to public or private employment agencies in which it gives specifications as to race, creed, color or national origin, and directs that the company give written notice to all employment agencies to which it submits orders, including the office of the United States Employment Service, advising that the company will accept and will employ applicants for all classifications of employment without regard to race, creed, color or national origin, copies of such notices to be transmitted to the Committee.

The Committee further directs that the company give written authority t all public and private employment agencies from which it recruits workers, to make the company requisitions for employees available to the Committee.

The Committee further directs that the company cease and desist from placing or inserting newspaper advertisements for workers setting forth specifications of race, creed, color or national origin.

CONTINENTAL CAN COMPANY
EAST RUTHERFORD, N. J.

This company was represented by Mr. H. B. Farr.

The Committee received complaints that the company maintains a discriminatory policy and practice against the employment of Negroes.

Two witnesses -- Mrs. Lula Idlett and Mrs. Marjorie Jackson, both of Passaic, N. J. -- stated that around June 23, 1941 they were refused application blanks by a receptionist at the offices of the company. Each applicant testified that the receptionist had told her that there was "no need of her giving an application blank because they did not hire colored."

Miss Lynch, admittedly the receptionist in question, denied that she had refused application blanks to anyone, but stated that she could not say definitely that the two women were not there.

Mr. William Galloway and the Rev. C. C. Curran stated that in a conference with Mr. Allen, Personnel Director, on February 10, 1942 regarding the employment of Negroes, Mr. Allen, although denying company discrimination against Negroes nevertheless stated that none of fourteen recent Negro applicants had been employed. Both witnesses stated that Mr. Allen, during the discussion on Negro applicants, had in less than a minute secured a number of applications which they identified as being those of colored persons and that on each of these applications was written the word, "hold".

Mr. Allen, Personnel Director, denied discrimination, explained "hold" a word indicating that he wanted to hold the application for future reference and stated that although the subject of the conversation with Mr. Galloway and Rev. Curran, immediately preceding the bringing out of the applications, was the number

of Negroes who had applied, the applications he returned which were both of white and colored applicants for the month of November 1941.

The company submitted a copy of written instructions to its employment officers dated February 5, 1942, reaffirming its policy of non-discrimination on account of race or religion and directing the elimination of reference to race and creed on employment application forms.

The records of the USES show that all requisitions for this company between July 1, 1941 and January 22, 1942 contained notations calling for white workers only.

FINDINGS

The Committee finds that the company has discriminated in its employment practices against Negroes solely on account of their race but notes, with approval, the instructions issued by the company on February 5, 1942.

The Committee directs that the company institute and establish hiring, upgrading and promotional procedures which will insure the employment of workers in line with the principles of Executive Order 8802 and directs the proper policy-making officials of the company to give written notice to each of their employees in charge of employment strictly to follow such procedures. The Committee directs the company to furnish the Committee with copies of such instructions.

The Committee further directs the company to employ applicants without regard to race, creed, color or national origin and to extend its in-plant training to all qualified employees without regard to race, creed, color or national origin, and it directs the company to file with the Committee a monthly report setting forth the number and classifications of new workers employed by it, the number and classifications of Negroes included in this group of new employees and the number and classification of Negroes who are upgraded.

The Committee further directs that the company cease and desist from submitting orders to public or private employment agencies in which it gives specifications as to race, creed, color or national origin, and directs that the company give written notice to all employment agencies to which it submits orders, including the office of the United States Employment Service, advising that the company will accept and will employ applicants for all classifications of employment without regard to race, creed, color or national origin, copies of such notices to be transmitted to the Committee.

The Committee further directs that the company give written authority to all public and private employment agencies from which it recruits workers, to make the company's requisitions for employees available to the Committee.

ISOLANTITE, INC.
BELLEVILLE, N.J.

This company was represented by Mr. Kenneth D. Hamilton, General Manager and Mr. John F. Evans, Attorney.

The Committee received complaints that the company maintains a discriminatory policy and practice against the employment of Negroes.

A copy of the Passaic Herald News of January 12, 1942 was submitted in which appeared a want ad under the name of the company calling for workers, but

with the restriction "Girls, white."

Mr. Evans and Mr. Hamilton admitted that the company employed no Negroes but declared that there was no policy against their employment. The company admitted responsibility for the want ad, but declared that some of its present employees had "let the management know that if there were any colored girls employed they would walk out in a body." The company has preferential shop agreement with the Chemical and Oil Workers Union, Local #22026 (AF of L).

At the suggestion of the Committee and subsequent to the public hearings the company conferred with the officers of Local #22026 of the Chemical and Oil Workers Union and has advised the Committee that the Union does not object to the employment of Negroes by the company and that the company is taking immediate steps to employ persons solely on the basis of their qualifications and without regard to race, creed, color or national origin.

FINDINGS

The Committee finds that the company has discriminated against Negroes in its employment practices solely on account of their race.

The Committee directs that the company advise Local 22026 of the Chemical and Oil Workers Union of its intention to carry on its employment practices in conformity with Executive Order 8802 and that the Committee be furnished with a copy of this letter together with a copy of the Union's reply.

The Committee further directs that the company institute and establish hiring, upgrading and promotional procedures which will insure the employment of workers in line with the principles of Executive Order 8802 and directs the proper policy-making officials of the company to give written notice to each of their employees in charge of employment strictly to follow such procedures. The Committee directs the company to furnish the Committee with copies of such instructions.

The Committee further directs the company to employ applicants without regard to race, creed, color or national origin and to extend its in-plant training to all qualified employees without regard to race, creed, color or national origin, and it directs the company to file with the Committee a monthly report setting forth the number and classifications of new workers employed by it, the number and classifications of Negroes included in this group of new employees, and the number and classifications of Negroes who are upgraded.

The Committee further directs that the company give written notice to all employment agencies to which it submits orders, including the office of the United States Employment Service, advising that the corporation will accept and will employ applicants for all classifications of employment without regard to race, creed color or national origin, copies of such notices to be transmitted to the Committee

The Committee further directs that the company give written authority to all public and private employment agencies from which it recruits workers, to make the company's requisitions for employees available to the Committee.

The Committee further directs that the company cease and desist from placing or inserting newspaper advertisements for workers setting forth specifications of race, creed, color or national origin.

With respect to the SPERRY GYROSCOPE CORPORATION and the FORD INSTRUMENT COMPANY, the Summary, Findings and Directions will be submitted and published by the Committee after answer by the companies.

The case against the JULIUS KAYSER COMPANY, Brooklyn, N. Y. was dismissed from public hearings without prejudice.

The case against OKANITE, INC. was postponed at the suggestion of the Committee and charges against this company are being investigated.

Literature
Fair Employment Practices
NC-1
Box 21

Editorial from The Commonweal for February 5, 1943

386 Fourth Avenue, New York, N. Y.

Labor and Discrimination

LAST WEEK we—and a great many others—protested strongly against what seemed to be a tendency on the part of the Administration to emasculate its policy regarding racial discrimination in employment. We should like herewith to make some positive suggestions relating to this whole problem.

First of all, it should be clearly understood that the problem goes further than matters of race. It extends to all discrimination against social groups in the employment practices of business. (A good argument can be made for not extending this to that rather limited field of employment which might be described as "personal service," where the human element becomes a major consideration—private secretaries, domestic servants, etc.) Discrimination in America has been applied to three social categories, which sometimes overlap, but which it is well to keep distinct in one's mind as one considers the question. (1) "National" groups—i.e., persons born in certain geographical regions outside the United States and their descendants. At one time the Irish suffered from this, and at present the Mexicans are suffering. (2) Religious groups—you can still find "Catholics need not apply" in the want ads, and a number of cases of this sort have been taken to court by the Jehovah's Witnesses. (3) Racial groups—the Japanese and Chinese have long suffered from discrimination, and the Negro is particularly in the public eye at the moment on this score. It might be added that Jews fall under all three categories.

When one envisages the spread which discriminatory employment practices can and do cover, one realizes how important it is to the welfare of millions of our citizens that there should be some check upon the deep-seated or passing prejudices of personnel managers or boards of directors. The Fair Employment Practices Committee, although certainly a step in the right direction and not entirely unsuccessful in its efforts, has by no means represented an ideal solution. Such a board should be made up of persons well known throughout the nation, whose fair-mindedness and freedom from prejudice are established by their records. They should receive adequate remuneration, and their judicial status should be clear and recognized, so that no administrative official or servant of the Executive could nol-pros hearings before them. Here is another indication of how badly we need a whole code of procedure to adjudicate labor differences, not only within labor organizations, but as between employees and employers. In the process of constructing such a code, we must always remember the terrible pressures which will attempt to warp it, both from the conservative and from the labor union sides. Union pressure joined forces with Southern Congressmen to stultify the hearing of the Negro railroad firemen's case, which raised all the fuss a week or two ago. And it is because of the strength of these pressures that any fair employment practices tribunal to be effective requires above all personnel of the very highest caliber completely free of personal ties either to organized labor or to organized employers.

Reprints Just in file on Negro + Labor Problems Negro Negro Workers

Reprinted from THE SOUTHERN ECONOMIC JOURNAL
Vol. IX, No. 4, April, 1943

THE NEGRO AND THE UNITED MINE WORKERS OF AMERICA[1]

HERBERT R. NORTHRUP
Cornell University

The bituminous coal industry has served as a laboratory for the development of many trade union policies. Of considerable importance is the manner in which the United Mine Workers has met the problem posed by the presence of large numbers of both white and Negro workers in the coal industry.[2] The "miners' formula" for resolving this question has been adopted by many of the CIO unions, which it helped to bring into existence, and in which the influence of the experiences of collective bargaining in the coal industry is still strong, although the UMW has now dissociated itself from the CIO.

This article discusses the effects of the UMW's racial policies on the welfare of Negro miners, with special reference to their employment opportunities.[3] Before turning to the main topic, however, it will be necessary to examine briefly the trend of employment and the racial-occupational pattern in the industry.

I

Tables I and II show the number of workers attached to the industry, and the proportional strength of colored miners, in the country as a whole, and in the coal producing states of the Southern Appalachian region, for the years 1890–1940, as reported by the United States Decennial Census.

The data for 1890 and 1900 cannot, of course, be strictly compared with those of the four succeeding census years, as they include metal miners, and in the case of 1900, quarrymen as well. But since coal is the predominant mineral produced in all these states, these figures do convey the idea of the rapid increase in the number of coal miners employed during the two decades before 1910.

Taking first the figures for the entire country, both the absolute number of miners and the proportion of Negroes showed marked increases during the first decade after 1910. Most striking, however, is the fact that between 1920 and 1930, the number of Negro miners rose by 5 per cent in the face of a 14 per cent decrease in total employment in the industry; and then, in the next ten years, the Negroes' gains were more than wiped out: the total number of coal miners decreased by 16 per cent, whereas the number of Negroes decreased by 33 per cent. The circumstances under which these gains and losses of colored miners took place will be described in detail below.[4]

[1] I am happy to acknowledge valuable assistance from an unpublished manuscript by Dr. P. H. Norgren, and from suggestions by Professors W. H. McPherson and S. H. Slichter, and by Dr. J. T. Dunlop.

[2] Only bituminous coal mining will be considered in this paper. There have never been more than a few score Negroes in the anthracite mining region of Pennsylvania. The terms "coal mining" and "bituminous coal mining" will be used interchangeably hereafter.

[3] In a subsequent article, the attempts of the United Steel Workers to adapt the "miners' formula" to the Birmingham, Ala., steel industry will be discussed.

[4] See below, pp. 315–18.

Turning next to the data for the individual states, we find that in 1940, approximately ninety per cent of all the Negroes in the industry were located in

TABLE I

TOTAL WORKERS, NUMBER AND PERCENTAGE OF NEGROES IN THE COAL INDUSTRY FOR THE UNITED STATES AND FOR THE PRINCIPAL COAL PRODUCING STATES OF THE SOUTHERN APPALACHIAN REGION 1890–1910

	1890*			1900†			1910		
	All workers	Negroes	% negro	All workers	Negroes	% negro	All workers	Negroes	% negro
Total United States	‡	‡	‡	‡	‡	‡	644,500	40,584	6.3
Total So. Appalachian	31,475	9,148	29.1	66,253	22,304	33.7	112,358	29,642	26.4
Alabama	7,966	3,687	46.3	17,898	9,735	54.3	20,779	11,189	53.8
Kentucky	5,091	976	19.2	9,299	2,206	23.7	18,310	3,888	21.3
Tennessee	4,889	769	15.7	10,890	3,092	28.4	11,094	1,609	14.5
Virginia	3,924	1,700	43.3	7,369	2,651	35.9	7,291	1,719	23.6
West Virginia	9,605	2,016	21.0	20,797	4,620	22.2	54,884	11,237	20.5

Source: U. S. Decennial Census of Occupations 1890–1910.

* Includes all miners.

† Includes all miners and quarrymen.

‡ Total U. S. figures would be without meaning because of inclusion of metal miners and quarrymen.

TABLE II

TOTAL WORKERS, NUMBER AND PERCENTAGE OF NEGROES IN THE COAL INDUSTRY FOR THE UNITED STATES AND FOR THE PRINCIPAL COAL PRODUCING STATES OF THE SOUTHERN APPALACHIAN REGION 1920–1940

	1920			1930			1940*		
	All workers	Negroes	% negro	All workers	Negroes	% negro	All workers	Negroes	% negro
Total United States	733,936	54,597	7.5	621,661	57,291	9.2	519,420	38,560	7.4
Total So. Appalachian	182,845	42,666	23.3	197,162	44,266	22.5	214,253	34,793	16.0
Alabama	26,204	14,097	53,8	23,956	12,742	53.2	23,022	9,605	41.8
Kentucky	44,269	7,407	16.7	54,307	7,346	13.3	54,676	5,474	10.0
Tennessee	12,226	913	7.5	8,765	578	6.6	9,534	168	1.8
Virginia	12,418	2,450	19.8	12,629	1,511	12.0	20,086	1,190	5.9
West Virginia	87,728	17,799	20.3	97,505	22,089	22.7	106,935	18,356	17.2

Source: U. S. Decennial Census of Occupation, 1920–1940.

* Before 1940, the figures are those "gainfully occupied," i.e., attached to the industry. The 1940 figures are those actually employed. But the difference between these terms is not substantial. It is highly probable that most people in 1930 reported not their *usual* status, but their *actual* status at the time of enumeration, and the latter is just the point stressed by the 1940 census.

the five southern and border states of Alabama, Kentucky, Tennessee, Virginia, and West Virginia, the so-called Southern Appalachian region, where 16 per cent

of the workers were colored. In no other state did Negroes comprise as much as 3 per cent of the total number of coal miners.

In three Southern Appalachian states—Kentucky, Tennessee, and Virginia—the percentage of Negroes declined by approximately one-half between 1910 and 1930. In Alabama during this period, the proportion of Negro miners remained quite stable. In West Virginia, however, the trend of Negro employment was quite different. There the proportion of Negroes remained constant from 1910 to 1920, but during the next ten years almost one-half of the new job opportunities created by the expansion of the industry went to Negro miners despite the fact that they comprised but one-fifth of the labor force in the state in 1920. It was in West Virginia, then, that the aforementioned rise in Negro employment was concentrated, a gain which was large enough to outweigh significant losses in three other southern states.

Between 1930 and 1940, the proportion of Negro miners in each Southern Appalachian state declined sharply, despite the fact that employment in that region tho not in the total industry took a turn for the better. The downward trend, observed since 1910 in Kentucky, Tennessee, and Virginia, continued at an accelerated rate; for the first time since 1890, the proportion of Negroes in Alabama mines fell below 50 per cent; and in West Virginia, the gains of the Negroes during the 1920's were more than swept away.

II

The causes of these shifts in the racial-employment pattern are found, first, in the comparatively late exploitation of the southern coal fields and their subsequent rapid development, and second, in the displacement of men by machines. Both are inextricably entwined with the story of collective bargaining in the industry.

Because of their greater distance from the centers of coal consumption, and because of inferior transportation facilities, the rich coal deposits of West Virginia and Kentucky were not exploited on a large scale before 1900. Since then, however, they have been developed at a rapid rate; nor is this difficult to explain. The coal seams of these states are unusually thick and contain an exceptionally high grade coal. But most important, the southern coal industry was from its inception, and with a few years excepted, for nearly forty years thereafter, strictly non-union; whereas the central competitive field, composed of the mine fields of Illinois, Indiana, Ohio, and Pennsylvania, was to a large extent organized as early as 1900. Since labor costs constitute the principal element in total costs of production, the non-union coal operators in the southern fields were able to encroach steadily on the markets of the union employers in the North by paying lower wages than the union scale.

The gradual infringement of the southern coal industry upon that of the North was noticeable even before the first World War, but because of the expanding market and a still favorable freight rate structure[5], the northern

[5] For an analysis of the effect of freight rate structure on coal production and mine location, see Glen L. Parker, *The Coal Industry* (Washington: American Council on Public Affairs, 1940), pp. 43–50.

operators were able to market increased quantities of coal until 1920. After that date, however, both of these favorable factors were lost to them. In addition, they became involved in a series of costly strikes and lockouts with the United Mine Workers, mainly over the issue of whether wage rates should be reduced. Although the UMW was able to maintain the wage structure, one group of operators after another went non-union until 1927 when the entire collective bargaining system in the central competitive field collapsed.

The consequences of these events were that production in the Southern Appalachian region increased as fast as that in the North fell off, until in 1927 the former area was producing as much as the latter. After the collapse of collective bargaining in that year, the northern operators succeeded in regaining a slight supremacy by drastic wage and price reductions, and since then they have been able to maintain their top position, either by further wage slashes, or since 1933, because of government stabilization of the industry.[6]

The sharp gain of the Southern Appalachian field, particularly West Virginia, at the expense of the northern coal-producing states during the twenties accounts for the already observed fact that Negro coal miners were able to increase their share of employment between 1920 and 1930 despite the fact that the number of white workers decreased by nearly one-sixth. Of special interest is the fact that in West Virginia, the state in which all the employment gains of colored miners were made during this decade, the coal operators imported Negro labor primarily for strikebreaking and anti-union purposes. But in Kentucky, Tennessee, and Virginia, the coal operators found the white "mountaineers" and recent immigrants from southeastern Europe less likely to catch the union contagion, and consequently the number of white employees was increased at the expense of the Negroes in these three states.[7]

III

The decline in importance of Negroes in the coal industry since 1930 is attributable primarily to the displacement of men by machines. To understand this clearly, it is necessary to discuss briefly the racial-occupational pattern of the industry.

The range of occupations in coal mining is comparatively narrow. Except for a few maintenance men, there are in the average coal mine no jobs which require more than a modicum of skill. Over 50 per cent of the personnel consist of hand coal loaders, and most of the other workers are machine operators of one sort or another. While the former are paid by the piece, and the latter by the day, there is seldom any great difference in the earnings of the two groups.

[6] For a more complete account of the North-South competition, see F. E. Berquist *et al.*, *Economic Survey of the Coal Industry under Free Competition and Code Regulation* (Mimeographed study of the National Recovery Administration, Work Materials No. 69), pp. 13–78. My discussion in sections II and III is especially indebted to the unpublished work of Dr. P. H. Norgren.

[7] S. D. Spero and A. L. Harris, *The Black Worker* (New York: Columbia Univ. Press, 1931), pp. 213–214, 217–225, 374–375.

Segregation either by occupation or by place of work, unlike most factory industries in the South, is conspicuous by its absence in the coal mines. In mines where the two races are employed, they invariably work side by side and at the same occupations. Negroes are used in all capacities, but their share of work varies from occupation to occupation. Thus in a sample study of some twenty southern West Virginia mines in 1932, it was found that only 2 per cent of the Negroes were undercutting-machine operators as against 6 per cent of the white. In all the "indirect labor" jobs, except that of brakemen (one of the most dangerous jobs in a coal mine), and in all jobs carrying a supervisory function, the whites were more heavily represented than the Negroes. On the other hand, however, 77 per cent of the colored miners were found to be hand loaders, but only 60 per cent of the whites engaged in this occupation.[8] The field work of the present writer, carried on in southern West Virginia and Alabama during the summers of 1940 and 1941, confirms the general tenor of these earlier findings.[9]

Despite this uneven distribution of jobs between the two races, the fact remains that the outstanding characteristic of the southern coal industry from a racial-occupational standpoint, is the comparatively high degree of mixing of the races. Besides, since the earnings of piece and day workers are usually about equal, no wage differential based on race is present in the industry.[10]

On the other hand, the relatively heavy concentration of Negroes in hand loading jobs has made them especially vulnerable to technological displacement. Since the first World War, mechanical loaders of various types have been put on the market, which perform these operations, and in so doing, displace a substantial number of hand laborers. Before 1933, mechanization of loading operations was confined almost without exception to the high wage North. Together with the competition of other fuels, and the introduction of more efficient

[8] J. T. Laing, *The Negro Miner in West Virginia* (unpublished Ph.D. thesis, Ohio State University, 1933), pp. 188–249.

[9] Dr. Laing maintains that the relatively heavy concentration of Negroes in hand loading jobs is, to a large extent, a matter of choice. Negro miners, he claims, prefer piece work jobs because such work allows them a relatively high degree of freedom from supervision and permits them to take an occasional day off if they so desire. A like conclusion was reached by the author of another study, which was based on a survey of some fifty mining communities in Kentucky and West Virginia, conducted at approximately the same time as Dr. Laing's investigation. [Homer L. Morris, *The Plight of the Coal Miner*, (Philadelphia: University of Pennsylvania Press, 1934), pp. 66–67.]

It should also be emphasized, however, that hand loading requires the greatest amount of physical effort of any of the occupations in coal mining. When one considers that it is a general custom to assign such tasks to Negroes, it seems likely that other factors besides the desires of the colored workers are involved. E.g., it has long been customary to assign machine jobs to whites, and leave the hand loading for Negroes, and usually the preferences considered, have been those of the white workers, and not of the Negroes. (See below, pp. 324–26.)

[10] The fact that in the past the earnings of Negroes have been on the average below those of whites has been due to the concentration of Negroes in the low wage, non-union areas of the South.

methods of fuel utilization, it contributed to the already noted 15 per cent decline in employment in the industry.[11] With the advent of collective bargaining and high wages after 1933, the introduction of loading machines went forward at a rapid rate in the South. It is to this fact that the sharp decline of Negro miners in the industry is mainly attributable. For Negroes not only suffered heavily by reason of being concentrated in the occupation which the machines eliminate, but they also failed to receive a proportionate share of employment as machine operators. Since the causes of this last event are explicable only if one understands the Negro-union relationships in the industry, further discussion of the subject will be postponed until we have examined the racial policies of the United Mine Workers.[12]

IV

The United Mine Workers of America was founded in 1890 by a merger of the Progressive Miners' Union with Knights of Labor District Assembly No. 135.[13] From its beginning the UMW was organized on an industrial basis, taking into membership all those who worked "in and around the mines", regardless of race, color, creed, or nationality. To what was left of the Knights of Labor's "take in anybody" philosophy was added the special feeling of unity among all mine workers engendered by the isolation of the mining towns. Usually cut off from direct communication with the outside world, these cummunities rarely developed more than two classes: the "company," with its manager, mine guards, and all-pervasive authority on the one hand, and the workers, whether machinists, coal loaders, or whatnot, on the other.[14] The workers' solidarity was also strengthened by the narrow wage differential between the highest and lowest paid. Race and nationality differences remained the primary disturbing element, and this, as we shall see, the UMW leaders strenuously combated.

In the early years of its existence, the UMW was quite successful in organizing the miners of Illinois, Indiana, Ohio, and to a lesser extent, Pennsylvania—the central competitive field—and the small southwestern area, composed of Arkansas, Kansas, and Oklahoma. Attempting to forestall unionism, the coal companies of these areas frequently staffed their mines with "judicious mixtures" of native whites, recent immigrants, and Negroes. As early as 1880, and as late as 1927, southern Negroes, fresh from the cotton fields and totally ignorant of industrial conflict, were imported as strikebreakers. Although this resulted in serious racial outbreaks on several occasions, the UMW officials did not attempt to fight the operators by drawing the color line. Had they done so, they would undoubtedly have encouraged the importation of more colored strikebreakers. Instead, they encouraged the Negroes to join the union and guaran-

[11] See above, pp. 313, 315–16. For an authoritative discussion of mechanization and its effects, see W. E. Hotchkiss, *et al.*, *Mechanization, Employment and Output per Man in Bituminous-Coal Mining*, (Philadelphia: WPA, National Research Project, etc., 1939).

[12] See below, pp. 324 *et seq.*

[13] Herbert Harris, *American Labor* (New Haven: Yale University Press, 1937), p. 113.

[14] *Ibid.*, pp. 113–114.

teed them full privileges of membership. Racial friction and discrimination in the central competitive and southwestern fields did not vanish, to be sure. But the methods used by the UMW to combat the importation of Negro strike-breakers kept it at a minimum.[15]

In the Southern Appalachian region, where Negro labor was used from the beginning of mining operations, the UMW found the going much rougher, as its experiences in Alabama and West Virginia illustrate.[16]

Labor organization among Alabama coal miners dates as far back as 1883; and a decade later the United Mine Workers first entered the region.[17] Progress was at first slow, but by 1902, the union had entered into compacts with most of the operators in the region.[18] Two years later, however, some of the larger producers denounced the agreement, and despite a series of strikes, the Alabama miners' unions were completely destroyed by 1908.[19]

The next attempt at organization of Alabama came some ten years later. Aided by the Federal government's World War I labor policy, which officially approved of collective bargaining, the UMW succeeded in organizing several thousand miners—again, as previously, mainly Negroes. Although the operators refused to recognize the union, they did accept successive arbitration awards by Federal officials, and thus stoppages during the war were prevented. In the fall and winter of 1920–21, however, the UMW was defeated after a bitter strike, and coal unionism disappeared from Alabama till 1933.[20]

In both the 1908 and the 1920–21 strike, the employers and their supporters used the race issue with telling effect. In the former year, the tent colony in which the strikers lived after they had been evicted from the company-owned houses, was burned to the ground in order to prevent the "mobilization of Negroes in union camps." In addition a committee of citizens threatened a race riot unless the president of the UMW ordered the miners to return to work. The UMW executive was informed that "no matter how meritorious the union cause, the people of Alabama would never tolerate the organization and striking of Negroes along with white men." The union officials then proposed to transfer all of the Negroes out of the state and make the strike a "white man's affair." But the governor of Alabama stated that he "would not permit white men to

[15] Spero and Harris, *op. cit.*, pp. 210–213, 355–357; and F. L. Ryan, *The Rehabilitation of Oklahoma Coal Mining Communities* (Norman, Okla.: University of Oklahoma Press, 1935), pp. 39, 46–49, 64–68, 89, 98–99.

[16] A significant exception was in western Kentucky, where the UMW had agreements from 1898 to 1921. Since, however, this region is contiguous to Indiana and Illinois, it was practically a part of the central competitive field, although never actually so.

[17] *Alabama News-Digest*, January 25,1940. A special supplement to this issue of the paper of the Birmingham, Ala., CIO, contains a complete history of the UMW in Alabama. See also Spero and Harris, *op. cit.*, p. 357.

[18] *Alabama News-Digest, loc. cit.*

[19] *Ibid.* Among the signatories to this agreement was the Sloss-Sheffield Company, whose president testified that he dealt with a grievance committee composed of "two white men and a colored brother. He [the Negro] is not expected to say much, but he is on the committee."—U. S. Congress, *Report of the Industrial Commission* (1901), XIII, 508.

[20] *Alabama News-Digest, loc. cit.*; Spero and Harris, *op. cit.*, pp. 358–362.

live in camps under the jurisdiction" of the UMW. The apparent hopelessness of the struggle, plus the fact that there had occurred no little violence and bloodshed, undoubtedly induced the miners' president to terminate the strike.[21]

In the 1920–21 struggle, the race issue was given no less prominence. Over 76 per cent of the strikers were Negroes. To this the operators declared the success of the strike to be due, because "southern Negroes . . . are easily misled, especially when given a prominent and official place in an organization in which both races are members." A citizens committee stressed the fact that *northern* Negro and white organizers spoke from the same platform. And the strike was featured by violence as primitive and brutal as in any of the earlier coal mining tragedies of the North and West, with Negroes being especially singled out for savage treatment.[22]

While there is every likelihood that racial friction would not have been absent in an atmosphere so tense as that of an Alabama coal strike, it is clear that the coal operators and their allies were responsible for bringing the question of color to the forefront and making it a central issue of the industrial conflicts of both 1908 and 1920–21. The attempts of the UMW to organize the coal fields of West Virginia further demonstrate the difficulties encountered by unions which attempt to build effective organizations where the labor force is represented by large numbers of both races.

The UMW first entered West Virginia a few months after it was founded in 1890, but its efforts were for the most part unsuccessful until the period during and immediately following the first World War. Then the heads of the miners' union realized that the very existence of their organization was threatened by the low wage and price schedules of the non-union southern fields.[23] After a strenuous campaign, the UMW secured contracts with about 80 per cent of the producers in northern West Virginia, and with the operators in the southern counties of Fayette, Kanawha, and Raleigh, but failed to secure even a foothold in Logan, Mingo, Mercer, and MacDowell, the counties along the southeastern rim of the state. Within a few years after the War, the UMW was driven entirely from southern West Virginia, and from most of the northern part of the state as well.[24]

Likewise, the miners' union obtained a precarious footing in eastern Kentucky during the War, but was driven out soon thereafter.[25]

The failure of the miners' union to organize the workers in the southernmost counties of West Virginia is not difficult to understand. The operators in this section of the state employed practically every device known to anti-unionists,

[21] Spero and Harris, *op. cit.*, p. 358; *Alabama News Digest*, *loc. cit.*

[22] Spero and Harris, *op. cit.*, pp. 360–362.

[23] C. P. Anson, *A History of the Labor Movement in West Virginia* (unpublished Ph.D. thesis, University of North Carolina, 1940), pp. 98–100, 116–117.

[24] *Ibid.*, pp. 122–123; Spero and Harris, *op. cit.*, pp. 367–370.

[25] U. S. Senate, 76th Congress, First Session, *Report of the Committee on Education and Labor: Violation of Free Speech and the Rights of Labor*, No. 6, Part 2, "Private Police Systems, Harlan County, Ky." (1939), p. 1920.

including race-hatred propaganda, to defeat the union, which often also resorted to extreme measures.[26]

In their attempts to organize the miners of West Virginia, as in Alabama, the leaders of the UMW adhered to the policy of organizing both white and colored workers into the same local bodies. Although the union was successful in bringing large numbers of both white and colored miners into the fold, the presence of a large number of workers of both races played into the hands of the operators. The white miners, themselves divided between native "mountaineers" and recent immigrants from southeastern Europe, were loathe to make common cause with the Negroes. The employers were quick to capitalize upon this situation by spreading rumors that should the United Mine Workers be successful, the black miners would lose their jobs. In addition, the West Virginia operators, as in past labor disputes, imported large numbers of Negro agricultural workers from neighboring states further South. The effect was both to supply a labor force with which strikes were defeated, and to add to the antagonism between the races.[27]

The failure of the United Mine Workers to organize the Southern Appalachian fields put it on the defensive during the remainder of the 'twenties. Unable either to compete with the low wage South or to induce the UMW to make wage concessions, company after company broke with the union in order to cut wages, until in 1927, after the wholesale shift of production from North to South, the entire collective bargaining machinery in the central competitive field collapsed. The next five years were featured by vicious price and wage slashes, and by internal dissension within the shattered UMW.[28]

The organizing opportunity afforded by the NRA was taken advantage of by the UMW as by no other union. When the law went into effect, organizers were already in the field. Within three months, 90 per cent of the nation's coal miners had been enrolled by the UMW. The desperate conditions in which the miners found themselves as a result of the depression caused them to embrace unionism with such unanimity as to make opposition on the part of even the most bitter anti-union operator largely futile. Besides, after the experience of the preceding five years, many of the operators questioned the desirability of unrestricted wage and price competition in the industry.[29]

That is not to say that the majority of the southern coal mine owners welcomed the UMW. Company unionism, some violence, and race prejudice were used in an endeavor to stem the tide. This time, however, even the last named

[26] See W. D. Lane, *Civil War in West Virginia* (New York: W. W. Huebsch, 1921); and A. F. Hinrichs, *The United Mine Workers of America and the Non-union Coal Fields* (New York: Columbia University Press, 1923).

[27] Spero and Harris, *op. cit.*, pp. 368–379; Anson, *op. cit.*, pp. 53–54, 65.

[28] For an account of the revolts and dual movements of the miners in this period, see Parker, *The Coal Industry*, pp. 77–81. Today the only survivor as a rival to the UMW is the Progressive Mine Workers (AF of L), which has contracts covering about 15,000 workers in Illinois.

[29] Waldo E. Fisher, "Bituminous Coal," in H. A. Millis, *et al.*, *How Collective Bargaining Works* (New York: Twentieth Century Fund, 1942), pp. 268–269.

failed. The terrible privations of the depression imbued both races with mutual understanding and tolerance. The arguments of the UMW organizers, both white and colored, that no union could succeed unless it had the support of both white and black miners, were heeded. When, in Alabama, the Ku Klux Klan was revived to fight the union, white miners joined it, won control of it, and destroyed its effectiveness.[30]

With the assistance of President Roosevelt and the NRA machinery, the UMW won an agreement covering the entire Appalachian area in September 1933. Bolstered by Federal regulation of competition in the industry, the UMW has steadily raised wages and extended its control until in 1941, it established a $7.00 basic wage rate for both North and South, and secured the union shop for almost the whole working force in the industry.[31]

The Alabama mining field has never been included in the Appalachian agreements because of unique local conditions.[32] At present the basic wage in Alabama is approximately $1.50 below that of the Appalachian agreement.

V

The revival of unionism in the bituminous coal industry, and the subsequent establishment of industry-wide collective bargaining has, then, meant a substantial increase in the standard of living of the Negro, as well as of the white, miners in the South. But the consequences of organization to the thousands of colored miners in the South cannot be judged solely on the basis of immediate gain. What unionism has meant to them in other respects, and whether they stand to gain from it in the long run are equally important questions. Before an attempt is made to answer them, a brief review of the experience of the UMW in organizing Negroes in recent years is in order.[33]

It must be re-emphasized at this point that the UMW has an enviable record of practicing, as well as preaching, racial equalitarianism in its organization ever since it began to function. It is true that there have been instances of discrimination against Negroes in particular locals, both in the North and in the South. But the officials of the national union have never, to the writer's knowledge, condoned such action, and have not hesitated to chastise individual locals for failing to live up to the letter of the non-discrimination policy.[34] Moreover, the UMW has always conducted both its organizing campaigns and its day-to-day union affairs without prejudice to any race.

[30] H. R. Cayton and G. S. Mitchell, *Black Workers and the New Unions*, (Chapel Hill, N. G.: University of North Carolina Press, 1939), pp. 321–323, 358–361; Jonathan Daniels, *A Southerner Discovers the South*, (New York: Macmillan Co., 1938), pp. 281ff.

[31] Fisher, *op. cit.*, pp. 270–275.

[32] The veins in which the coal is located in Alabama are generally thin, and the coal contains a high percentage of impurities. Both these factors increase the cost of recovery.

[33] The paragraphs devoted to the relationship of the UMW and the Negro miners in West Virginia and Alabama are based mainly upon the writer's field work in the summers of 1940 and 1941. In addition the works of Cayton and Mitchell, *op. cit.*, pp. 344–359 and Dr. Norgren's MS, *op. cit.*, were of material assistance for the discussion pertaining to Alabama.

[34] See, e.g., Spero and Harris, *op. cit.*, p. 375.

When the 1933 organizing campaign was initiated in the South, the UMW did not deviate from its equalitarian policities. The success of the campaign was indeed a tribute to the forthright manner in which its representatives faced the race issue and preached the necessity of interracial cooperation.

But more important than the success of the organizing campaign has been the ability of the UMW district leaders in the South to devise a workable system whereby the two races could cooperate effectively and yet not antagonize the public by encroaching too sharply upon the customs of the communities. In West Virginia, where rigid separation is not the rule, and where race patterns are relatively fluid, the problem was not so serious;[35] but in Alabama a good deal of both tact and courage was required.

For example, when the time came for the election of local officers, the Alabama district leaders advocated the selection of whites as presidents and Negroes as vice-presidents, and this procedure was followed in locals even where the Negroes were in a majority. This device was designed to facilitate good employer-employee relations, for the local president usually heads the "pit committee" which meets with representatives of management for the joint settlement of grievances arising from working conditions in the mines. It was felt that the employers should be accustomed to the novelty of joint grievance committees before being subject to the still more novel experience of having to deal with Negroes as equals. At the same time, the election of Negro vice-presidents and of other Negro officers provided the colored miners with representation in the policy-making decisions of the locals.

The results of this policy of gradualism are already discernible. According to a number of informants of both races, Negro members of grievance committees, who a few years ago would have risked physical violence had they raised their voices in joint union-management meetings, now argue their cases quite as freely as their fellow white members. Local meetings are no longer featured by such "formal" relationships between the races, as, according to Dr. G. S. Mitchell, was the case in 1934–35.[36] White members no longer hesitate to call a Negro unionist "Brother", or to shake hands with Negro delegates without displaying embarrassment. And now, Negro delegates contribute freely to discussions.

In West Virginia, it was not found necessary to adhere to a policy of strict gradualism. Negroes are usually well represented among the local and district officers and in some cases have been elected local union presidents even though white miners are in the majority. In many mines where there are a large number of foreign-born workmen, it is the custom to elect on a three-man pit committee, one from this group, one native white, and one Negro. By such means, the UMW has been able to weld into a united front that conglomerate mixture

[35] Separation of the races is not nearly so rigid in West Virginia, as in states farther South. E.g., although education is conducted on a separate basis and intermarriage of the races is forbidden, West Virginia has none of the numerous "jim crow" laws which are on the statute books of Alabama.

[36] See Cayton and Mitchell, *op. cit.*, pp. 344–348; and G. S. Mitchell, "The Negro in Southern Trade Unionism," *Southern Economic Journal*, II (September 1936), 30.

of races and nationalities which many coal operators once thought was an insurmountable bar to unionism.

The machinery for the settlement of grievances constitutes one of the major gains which unionism has brought to southern miners. Undoubtedly, Negroes have benefited more from it than whites. Colored miners are more heavily concentrated in the hand loading jobs, where payment is computed on a tonnage basis. Output on these jobs is frequently seriously interfered with by unusual mining conditions and other unavoidable circumstances. It was not until the advent of unionism and its grievance machinery that equitable adjustments were made in such instances. In addition, the power of mine foremen to discharge without cause or to assign to the poorer workplaces—treatment which these petty officials have been more inclined to inflict upon Negroes than upon whites—is now subject to joint union-management review, where the aggrieved can seek, and find, redress. The results of grievance machinery have been material, as well as psychological.

By far the most difficult problem which confronts the equalitarian program of the United Mine Workers involves the disposal of employment problems incident to the introduction of labor-saving machinery, nowadays principally loading machines. Coal loading machines were introduced into the mines on a large scale soon after the first World War, but before 1933 their use was largely confined to the high wage areas of the North. Since then, under the impetus of unionism and high wages, mechanical loading machinery has made very rapid strides in the Southern Appalachian region. In West Virginia, for example, less than one per cent of the total production was loaded by machines in 1933; by 1940, however, the proportion had jumped to 70.2 per cent. Likewise in the other Southern Appalachian states, less than one per cent of the total output was mechanically loaded in 1933; but in 1940, the relevant figures were, for Alabama, 32 per cent; for Kentucky, 76.8 per cent; for Tennessee, 13.1 per cent; and for Virginia, 64.2 per cent.[37] That the percentage of coal loaded by machinery has continued to increase since 1940 is shown by the fact that in 1941 the number of mobile loaders sold to mine operators reached the highest figure ever recorded, and a majority of these were purchased for use in the Southern Appalachian region.[38]

It has been estimated by competent experts that 46 men working with mobile loaders can do the work of 100 hand loaders.[39] Along with unemployment

[37] Data from Hotchkiss, *op. cit.*, p. 210; and U. S. Dept. of the Interior, Bituminous Coal Division, *Weekly Coal Report*, July 11, 1942, Table VIII. The machines under discussion here are primarily mobile loaders, which entirely eliminate hand loaders, but the figures also include "scrapers" and "duckbills," the displacement rate of which is not so heavy. Conveyors and pit-car loaders are not included in these figures. These last two types do not eliminate loaders, but affect certain maintenance jobs and speed up operations. Practically all coal not loaded by machine is loaded by the conveyor method, which does not affect Negroes disproportionately. For a description of these machines, see Hotchkiss, *op. cit.*, pp. 113–142.

[38] W. H. Young, *et al.*, "Mechanical Mining," reprinted from *Coal Age*, February 1942.

[39] S. H. Slichter, *Union Policies and Industrial Management*, (Washington: The Brookings Institution, 1941), p. 271.

attributable to declining markets, this technological displacement has meant a real hardship to the miners. Moreover, there is no doubt but that Negroes have borne the brunt of the unemployment, for it is to the introduction of these loading machines that the already noted sharp drop in the proportion of Negroes in the industry since 1930 is primarily ascribable.[40] Indeed, this was to be expected since Negroes are more heavily concentrated in the hand loading jobs than are whites. But more important is the fact that Negroes have not received a proportionate share of jobs as machine operators. There are several reasons for this.

The introduction of machinery, or the substitution of a new technique for an old, has often meant in the South the displacement of Negro hand workers by white machine operators. Thus when undercutting machines and other mechanical devices were installed in southern coal mines earlier in the century, whites were assigned in disproportionately large numbers to operate them, and most black workers remained hand loaders. This was the pattern *before* the advent of the UMW and collective bargaining. Hence, when loading machines were installed, the employers gave white workers preference as a matter of course.

This, of course, is in direct conflict with the equalitarian policies of the UMW, but until recently, the district officials of the union have hesitated to take a firm stand on the question. For the very reason that machine jobs have been traditionally "white man's work", the UMW officials, pursuing a policy of gradualism, did not attempt a quick break with the past. More important, it is at least questionable whether, before 1939, the heads of the UMW had given the question of technological unemployment the serious attention that it deserved.

The UMW has not opposed the introduction of machinery; it has merely insisted that the benefits therefrom be shared with its members.[41] But before 1939 few of the district agreements in the South contained clauses providing that workers who had been displaced by machines should be re-hired, if possible, before newcomers could be employed.[42] Indeed, it was not until 1941 that such provision was written into the basic Appalachian agreements.[43] But since the qualifications for machine loading jobs are not possessed by all hand loaders, strict seniority cannot be observed in the transfer from handwork to machine operation, and so the way is still open for discrimination unless the national and district officials of the UMW are vigilant and the employers cooperative.

A further point should be brought out. Because the white workers had performed the bulk of the machine jobs before the introduction of mechanical

[40] See above, pp. 4–5, 9–11.

[41] Slichter, *op. cit.*, pp. 271–272.

[42] E.g., the agreement between the Alabama coal operators and UMW, District 20, for 1937–39 makes no mention of the subject of seniority.

[43] The 1941 Appalachian agreement reads in part: "Seniority affecting return to employment of idle employees on a basis of length of service and qualification for the respective positions brought about by different mining methods or installation of mechanica. equipment is recognized. Men displaced by new mining methods or installation of new mechanical equipment so long as they remain unemployed shall constitute a panel from which new employees shall be selected."—*United Mine Workers Journal*, July 15, 1941.

loaders, they often have been in a better position to learn how to operate the mobile loading machines. This, of course, has counted in their favor, and against Negroes.

In sum, then, because for various reasons, the UMW has not obtained equal treatment for Negroes in the allocation of job opportunities, white miners may be said to have benefited from unionism to a greater extent than Negroes, although the advantages to the latter in the form of increased wages, better working conditions, and protection from arbitrary treatment on the job have been substantial. To what extent this will hold true in the future, depends upon the outcome of post-war adjustments.

VI

Because of the war boom, current demands for coal exceed those in any previous period since the first World War. In addition, the draft and the migration of miners to more lucrative jobs have depleted the industry's working force. Consequently, miners displaced by machinery at the present time have little difficulty in finding employment.

When the war is over, however, the abnormally large demand for coal may be expected to subside and, as a result, employment in the industry will decline. Moreover, the employment problem is likely to be aggravated by mechanization, by the use of more efficient methods of fuel utilization, and by the competition of substitute fuels, all of which adversely affected employment in the industry between the two World Wars. Especially are these three economic forces likely to threaten the stability of the industry if the UMW officials use their great bargaining power to gain ever higher wages and shorter hours, for such a policy will probably accelerate the substitution of machines for men and the introduction of improved methods of fuel utilization, as well as worsen the competitive position of coal in relation to other fuels.[44]

If, as predicted, employment in the bituminous coal industry declines when peace returns, and if past experience is any guide, Negroes will suffer disproportionately heavy losses in jobs. This is particularly likely to occur in instances where machines replace men. These post-war adjustments will put the equalitarian policies of the UMW to their severest tests. If Negroes continue to bear the brunt of technological unemployment, the UMW will no longer be able to claim that it adheres to a policy of racial equalitarianism as steadfastly, if not more so, than any other American labor union.

[44] Slichter, *op. cit.*, pp. 362-363; Fisher, *op. cit.*, pp. 276-277.

NC-F.E PC

THE NATIONAL COUNCIL FOR A PERMANENT FEPC

Those who had fought for the establishment of the Fair Employment Practice Committee and who were keenly aware of the limited powers and transiency of this war-time agency had long felt that it was necessary to give it a permanent legislative base. It was for that purpose that a group of individuals representing more than 15 organizations met in Washington September 13th and 14th in a Conference to Save the FEPC. Out of that conference grew the National Council for a Permanent FEPC, with a minimum Executive Board appointed to set up the organization and control its functions. Mr. A. Philip Randolph, President of the Brotherhood of Sleeping Car Porters, and Dr. Allan Knight Chalmers, of the Broadway Tabernacle Church, N.Y., were elected as Co-Chairmen. A budget was drawn up; a constitution adopted and bills which would establish a Fair Employment Practice Act were discussed.

The objectives of the National Council for a Permanent FEPC are:

(1) To promote in every possible way the establishment of equal opportunity for employment, to secure hiring with due regard to the already existing skills and experience of the applicant, equality of wages for the same work, and the full right of upgrading employees within industries regardless of race, creed, color or origin.

(2) To bring about the establishment of a permanent Federal Fair Employment Practice Committee.

(3) To carry on an educational campaign, nationally and locally, to further the Council's objectives.

These objectives are as simple and clear-cut as the cause of democracy. They are those for which every American, loving America and wishing to serve it fully, will fight with all his spirit and intelligence.

* * * * * * *

October 20, 1943
Temp. Office of
National Council for
a Permanent FEPC:
Room 301, 217 W. 125th St.
MOnument 2-5082

Sec. pro tem: Alice Stark

Vol. 1, No. 2
July 1, 1944

NC-F-E PC

1410 H Street, N.W.
Washington 5, D. C.

YOU HAVE HELPED WIN ONE BATTLE!!

**The F. E. P. C. appropriation was passed Tuesday, June 20, 1944.
Votes: 38 to 21**

- - - - - - - - - - - - - - - -

YOUR NATIONAL COUNCIL FOR A PERMANENT FEPC REPORTS ON THE HEARINGS:

1. Hearings on the Dawson-Scanlon-LaFollette Bill for a Permanent Fair Employment Practice Committee closed Friday, June 16th. They will be continued when Congress reconvenes in the fall.

2. The following individuals and organizations presented briefs or appeared in person, or both:

June 1 - Congressmen Scanlon and Dawson.
W. A. Hughes, Director of Industrial Personnel Division, Army Service Forces.

June 2 - James Carey, National Secretary, CIO.
Dr. Ernesto Galarza, Chief of Labor Section, Pan-American Union.

June 6 - David M. Grant, Interracial Commission of St. Louis.
Mrs. Beulah T. Whitby, National President, Alpha Kappa Alpha Sorority; Assistant Director, Detroit Interracial Commission; member faculty of Wayne University.

June 7 - Dr. Samuel McCrea Cavert, General Secretary, Federal Council of the Churches of Christ in America.
Daniel Ring, spokesman for Admiral Emory S. Land, Chairman, U. S. Maritime Commission and Administrator, War Shipping Administration.

June 8 - Mrs. Arthur J. Goldberg, Legislative Representative, National Women's Trade Union League of America.
Henry D. Mitchell, Chairman, Civil Service Commission.

June 9 - Malcolm Ross, Chairman, President's Committee on Fair Employment Practice.

June 13 - Rabbi Stephen S. Wise, American Jewish Congress.
Walter White, National Association for the Advancement of Colored People.

June 14 - Father John LaFarge, Editor "America".
Clarence E. Pickett, Executive Secretary, American Friends Service Committee.
Congressman LaFollette.

June 15 - E. Vincent Suitt, Industrial Relations Secretary, Kansas City Urban League; Greater Kansas City Area Council for a Permanent FEPC.
Mrs. Frances F. Hayden, Employees Relations Secretary, Paseo Branch Y. W. C. A., Greater Kansas City Area Council for a Permanent FEPC.

June 15 (con.) - Reginald A. Johnson, Field Secretary, The National Urban League.
Dr. Emily Hickman, Professor of History, New Jersey State College, representing the National Board of the Y. W. C. A.

June 16 - Malcolm Ross.

3. Mrs. Mary T. Norton stated that she had received on an average of twenty requests a day for the opportunity to testify at the hearings. Most of these requests were from individuals or organizations favoring the Dawson-Scanlon-LaFollette Bill.

4. Highlights of the testimony and a summary of the hearings will be sent you as soon as possible.

5. Press releases on the hearings went to the press of the nation from this office every day.

6. Support has come from all over the nation and delegations were present at the hearings from Detroit, St. Louis, Kansas City, and New York.

* * * * * * *

We are proud of this beginning— B U T —

THE STRUGGLE HAS JUST BEGUN.

WE NEED —

1. We hope to have the Dawson-Scanlon-LaFollette Bill brought up on the floor of the House of Representatives early in October. In order to accomplish this, we need intensified pressure on the members of the House Labor Committee to vote out the bill favorably without delay. It also means pressure on the Rules Committee of the House. This Committee determines when a bill may be presented on the floor. The Rules Committee will not allow our bill to reach the floor unless individuals and organizations send statements and resolutions urging them to do so at the earliest possible moment. Continue to write and talk with your Representatives, urging them to support the Dawson-Scanlon-LaFollette Bill. The identical bill was introduced June 23, 1944, by Democratic Senators Murray (Mont.); Wagner (N.Y.); Downey (Calif.); Republicans Langer (N.Dak.) and Capper (Kan.). Contact your Senators through individuals and organizations, urging them to support the LaFollette-Chavez bill (S.2048).

2. Your continued discussion of the significance of the Dawson-Scanlon-LaFollette Bill at every meeting in your community. Do report on the hearings at such meetings.

3. MONEY—DESPERATELY. Our experience in the hearings and in the Congress of the United States has shown us how much lack of information about discrimination still remains in the minds of many congressmen and citizens generally. We must reach these people quickly with the hearings material, with general information, and with requests for the various kinds of help we are going to need to make this bill law. Will your community accept a large quota and raise it during July and August? We must have a backlog of at least $100,000 if we are to be successful. Please let us hear from you at your earliest convenience.

Reprint

RECENT EVENTS IN NEGRO UNION RELATIONSHIPS

ROBERT C. WEAVER

Reprinted for private circulation from
THE JOURNAL OF POLITICAL ECONOMY
Vol. LII, No. 3, September 1944
PRINTED IN THE U.S.A.

RECENT EVENTS IN NEGRO UNION RELATIONSHIPS

ROBERT C. WEAVER

BACKGROUND

THE current war and its manpower requirements have forced government to face the problem of securing full use of all available labor. One of the most difficult issues incident to this objective has been the employment of Negroes on contracts where there are closed-shop and other bargaining agreements with labor unions which have excluded Negroes from membership or otherwise limited their work opportunities. In its immediate incidence this problem does not necessarily involve the matter of Negro membership—the traditional hurdle facing colored workers in shops under the control of certain unions. It becomes clear, however, that, when clearance or auxiliary-union affiliation is arranged, the questions of membership status and full participation in unions are sure to become issues. These questions may be raised by the minority affected in its opposition to second-class membership and work permits (sometimes at first-class membership fees),[2] or they may be initiated by white members who cannot see why a group of new workers should have union clearance at no cost or at reduced rates.

In order to appreciate the nature of current trends in Negro union relationships, it is necessary to sketch briefly the background of the problem. The color line in certain American labor unions is deeply intrenched. As early as 1834 the New Orleans Typographical Society forbade its members to work with free journeymen of color,[3] and some international unions (principally in the metal trades and railroads) have denied admission to Negroes practically from their inception.[4]

The National Labor Union was the first national federation of labor unions to deal with the race problem. At its initial session in 1866 it stated that the interests of labor demanded the inclusion of all workers without regard to race or nationality and that organization should be encouraged among colored people. Action, however, was postponed until the next session. At that meeting a committee on Negro labor reported that it was inexpedient to act on the matter. This recommendation was accepted,[5] and the tradition of making liberal declarations and taking no action on Negro

[1] This paper does not include the railroad industry, since it has been subject to the review of the President's Committee on Fair Employment Practice. A full account of the Negro as a railroad worker and his problems with the railroad brotherhoods is available in the *Transcript of Railroad Hearings of the President's Committee on Fair Employment Practice, Washington, September, 1943.*

[2] In a period of full employment and national programs to encourage men and women to enter defense industries, it is inevitable that there should be deep resentment against the payment of work-permit fees to organizations which will not extend full membership to the group affected. In the case of the Negro worker, his opposition to special unions or to second-class union status is but a part of his effort to achieve full American citizenship rights.

[3] French E. Wolfe, *Admission to American Trade Unions* (Baltimore, 1912), pp. 118–19.

[4] Included in this group are the Locomotive Engineers, Locomotive Firemen, Window Glass Workers, Switchmen, Wire Weavers, Maintenance of Way Employees, Railroad Trainmen, Railroad Carmen, Railroad Clerks, Railroad Telegraphers, Commercial Telegraphers, Boilermakers and Iron Shipbuilders, and Machinists (*Ibid.*, p. 119).

[5] *Ibid.*, p. 113.

participation in labor unions was born. The 1869 convention admitted Negro delegates and disclaimed race discrimination by resolution. This, too, established a precedent, for, as Wolfe has noted, "This declaration or resolution by a federation of unions was little more than a benevolent utterance with only moral force at its back; it might be easily disregarded or nullified by either a national or local union disinclined to favor organization among Negroes."[6]

Northrup has presented the official attitude and actual practices of the American Federation of Labor and its affiliates relative to Negro workers. The federation soon relaxed its early liberal policies and emphatic opposition to affiliates which excluded Negroes from membership by constitutional provisions and accepted a compromise which provided for the organization of Negroes into separate locals or their direct affiliation with federal unions in instances where they were refused admission to regular unions because of color.[7]

Until there were large government-financed programs of construction and war production, the principal issue raised by Negroes in the A. F. of L. was the *right* to membership—a question which constantly arose at the federation's annual conventions. When large-scale construction projects were initiated by P.W.A., Negro building-trades craftsmen faced a new problem. Where there were separate Negro locals,[8] colored men were usually denied clearance or referral to the publicly financed projects. In other crafts, white unionists objected to the employment of Negroes, opposed their affiliation with the union, or discriminated against them within the organization.[9] Government and labor cooperated in devising procedures to meet the situation. In some instances numerical increases in Negro union membership resulted; in others work permits and union clearance were arranged.[10] In every instance the key to corrective action lay in the policies, practices, and controls established by the internationals and effected on the local levels.

While these developments were creating a more realistic attitude on the part of Negro building-trades craftsmen toward their unions, a new unionism arose among industrial workers. It departed from the dominant craft structure of the A. F. of L. and organized workers on an industrial basis. Following the practices of the Knights of Labor and the United Mine Workers of America when they embarked on mass organizational campaigns, it afforded the Negro a chance for widespread participation. Negro workers embraced this opportunity in many areas and in large numbers.

TYPES OF RACE DISCRIMINATION IN LABOR UNIONS

At the outset the position and responsibility of unions in the matter of Negro employment and upgrading should be outlined. It is clear that a union is directly involved wherever closed-shop, union-

[6] *Ibid.*, p. 114.

[7] Herbert R. Northrup, "Organized Labor and Negro Workers," *Journal of Political Economy*, LI (1943), 211–12.

[8] For a description of the disadvantages to Negroes of separate locals, see *ibid.*, pp. 209–10. Contrary, however, to the inference made by Northrup, the Carpenters do not usually have separate Negro locals outside the South and border states and the Painters have some mixed locals.

[9] For a more detailed analysis of the status of Negro workers in building-trades unions see my article, "Racial Employment Trends in National Defense," *Phylon*, II (1941), 344–47.

[10] For a description of this development see my article, "An Experiment in Negro Labor," *Opportunity*, XIV (1936), 295–98.

shop, or any other type of bargaining agreement between management and a labor organization exists. The American Management Association has stated that, as the first tactic in counteracting union resistance to the employment or upgrading of Negroes, management must emphatically indicate that it regards its policy of nondiscrimination as fixed.[11] Once management announces its favorable policy toward accepting colored workers, the attitude, policies, and actions of the union are extremely important. It is, of course, always possible for unions to take the initiative, as some of them have done. When a labor organization, acting in good faith, declares that it is in favor of full integration of Negro workers, discriminatory hiring policies cannot then be ascribed to union opposition. This is the one sure way for the union to establish its position clearly.

In the past, labor unions have impeded the employment of Negroes in the following ways: (1) withholding membership from Negroes (*a*) by means of constitutional provisions, (*b*) by means of a provision of the ritual, or (*c*) as an unwritten policy of the international or the local union; (2) accepting Negro members but discriminating against them in referrals;[12] (3) hindering the upgrading of Negroes; (4) championing the upgrading and employment of Negroes in plants in which the union has no bargaining agreements, while taking no action to correct discrimination in plants in which the union has an agreement.[13]

[11] American Management Association, *The Negro Worker* (New York, 1942), p. 15.

[12] Northrup has presented a detailed analysis of the types of color exclusions and the organizations guilty of them (*op. cit.*, pp. 206–11).

[13] This occurred in Mobile, Alabama, recently when the C.I.O. and A.F. of L. were competing for bargaining rights at the Alabama Shipbuilding and Drydock Company.

Contrary to popular opinion, relatively few important unions outside the railroad industry have constitutional provisions barring Negroes from membership. The establishment of racial restrictions in rituals and the creation of Negro auxiliary unions are much more important factors in manufacturing industries. This follows because the International Association of Machinists has a ritual provision barring Negroes and the Brotherhood of Boilermakers, Iron Shipbuilders, Welders, and Helpers, which reports a similar bar against Negro membership, provides for their organization in auxiliaries under the control of white locals. The influence of these two metal-trades unions has grown, since they no longer restrict their jurisdiction to craftsmen and have often limited Negro employment not only in skilled but also in semiskilled production work. Their current strength in shipbuilding and aircraft (where they are, in effect, industrial unions) gives them control over segments of the two largest defense industries. The exclusion of Negro workers, until late in 1942, at the Boeing Aircraft Company in Seattle, was due largely to the policy of the Machinists' union; and the continuing difficulties at the Kaiser Shipyards in California and Oregon have been occasioned by the local Boilermakers, who stood first for occupational limitation and finally for the relegation of Negroes to auxiliary locals.

Negro auxiliary unions take varied forms in practice. A few are said to operate as separate locals with complete autonomy and direct lines to internationals. Such a situation is contrary to the terms under which they are established and rarely exists. Usually, Negroes in auxiliary locals do not control their own affairs, nor do they have effective means of influencing the general policy of

the parent organization.[14] Certainly, Negroes attached to such locals do not have first-class union membership. Often the auxiliaries are used as a means of limiting the number of colored workers, and in every instance they can be instrumental in depriving Negro workers of seniority rights. Negro auxiliary members complain that they do not benefit from grievance protection through the aggressive action of the supervising locals. (In the railroad industry, where auxiliaries have a long history, this is a long-standing complaint.) In the case of the numerically important Brotherhood of Boilermakers, Iron Shipbuilding, Welders, and Helpers, the second-class status of Negro workers in auxiliary unions is becoming increasingly controversial.[15]

The manpower requirements of war production and government's action to ban discrimination on defense contracts have altered the responsibility of the A. F. of L. for policies and practices of its affiliated internationals.[16] The position of the federation in demanding from government certain recognition and rights for all A. F. of L. unions implies a responsibility for securing compliance with federal policy. A part of this policy is the executive order which bans discrimination in war production. The recent action of President William Green in securing a work permit and clearance for a Negro machinist on the West Coast and the action of the Metal Trades Council in influencing the policies of the Boilermakers in Portland, Oregon, indicate gradual acceptance of this responsibility by the A. F. of L.[17]

The Congress of Industrial Organizations, because of its structure, its mass-organization program, and the large participation of Negroes in it, has from its inception done a more effective job than the A. F. of L. in facilitating the employment of Negroes. But this is a relative statement. In many instances C.I.O. unions have been slow to act. Opposition to the acceptance of Negro workers on the part of C.I.O. unions has found its most striking expression in the work stoppages occasioned by the introduction of Negro workers into plants and occupations where they were formerly not used. National officers of the C.I.O. have issued unequivocal statements on this matter, many of the international unions have specific constitutional provisions banning race discrimination, and an increasing number

[14] On many occasions A.F. of L. officials have defended Negro auxiliaries (cf. Northrup, *op. cit.*, p. 208).

[15] "Warning their auxiliary lodges against 'outside agitation' the International Brotherhood of Boilermakers AFL, refused to consider a petition asking for integration or local autonomy submitted by Auxiliary 26.

"In a letter to their auxiliaries, the Executive Council of the Brotherhood stated that they were without authority to 'grant full and complete integration to the members of the auxiliary lodges (segregated units) into the regular or supervising lodges under the International Convention action'" (*Pittsburgh Courier*, September 25, 1943); cf. also Northrup, *op. cit.*, p. 207, n. 7.

[16] The pre–World War II situation in the A.F. of L. was summarized in a bulletin issued by the United States Department of Labor. "The race issue has presented difficult problems and has created serious situations from the beginning of the organized labor movement. The American Federation of Labor has since its inception declared for the organization of all workers without regard to 'race, creed, color, or sex.' At the same time some of the most important and powerful organizations affiliated with the federation specify that applicants shall be white, others exclude orientals; still others admit Negroes but not on an equal footing or on the same terms as white workers. The American Federation of Labor has no control over the internal policies of its affiliated international organization, hence cannot apply to them its own rules in this matter even though it admits the elements of inconsistency in the situation" (*Handbook of American Trade-Unions, 1936 Edition* [Washington, 1936], pp. 37–38).

[17] See below, pp. 241–42.

of internationals have established machinery for enforcing their announced policies. The stronger central authority in the C.I.O., the absence of constitutional or ritual bars to Negro membership, and the recent appointment of able Negroes to the executive board are facilitating the transmission of statements of policy down to the local levels. To implement its policies and facilitate their enforcement, the C.I.O. has recently established a National Committee To Abolish Racial Discrimination. This committee has a full-time, competent director and is in the process of establishing similar antidiscrimination committees in each local, county, and state industrial-union council.

C.I.O. ACTION TO COMBAT RACE DISCRIMINATION

The intrenched nature of the color line in certain segments of the labor movement makes it difficult to get at in an old and conservative organization such as the A. F. of L. On the other hand, the early blanket indorsement of all C.I.O. unions by certain elements among Negroes often led to an uncritical attitude toward them. This, in turn, occasioned a policy of paying lip service to nondiscrimination in certain unions. At times these activities developed into tactics of evasion. During the current war, the pressure of public opinion and economic necessity are forcing many unions to deal with the matter of Negro employment and upgrading. In some instances the approach has been spontaneous and forthright; in other cases, it has been forced, hesitant, and halfhearted.

Local No. 1225 of the United Electrical, Radio, and Machine Workers of America, C.I.O., in New York City, established a Fair Employment Practice Committee and set up the following procedure: (*a*) Questionnaires on the status of minority-group employment were sent to all shops; (*b*) the local referred Negroes, Jews, and persons of foreign extraction to all shops; (*c*) if these persons were refused employment, the business agent investigated and reported to the committee; (*d*) if management continued to discriminate, a meeting of the shop committee and the union's Fair Employment Practice Committee was called to pass a resolution against discrimination; (*e*) after the resolution had been passed, the local sent a qualified worker of the race, color, or creed discriminated against to the plant in question; (*f*) if this worker was refused employment, the case was sent to the President's Committee on Fair Employment Practice. Other New York City locals followed this lead.[18] Results were soon forthcoming. In May, 1942, there were only 172 Negroes in forty-one selected electrical-machinery plants in the city. By January, 1943, the number was over a thousand. In May, nonwhite workers constituted but 1 per cent of those employed; eight months later they made up 3.7 per cent of the total. For the nation as a whole the proportion of nonwhites in electrical machinery increased, during the same period, from 1 to only 1.5 per cent.

The upgrading of Negro workers from janitorial to production jobs at the North American Aviation plant in California had been the occasion of many conferences; and management stated that it hesitated to take the step because of the possibly unfavorable reaction of the white workers. In order to supply the final impetus for action, a conference

[18] For a discussion of U.E.R.M.W.A. in Philadelphia and on the national level see below, pp. 240 f., 248.

was arranged with Aircraft Division of Local 887 of the U.A.W.–C.I.O., which had a bargaining agreement with the plant. In February, 1942, the Executive Committee of this union addressed a letter to the company, requesting management to give colored persons in the plant equal consideration for production work and to publicize the above policy so that future Negro applicants would be fully informed. By the fall of 1943 the California North American plant hired about two-thousand Negroes—the majority of whom were women on production.

The most widely known and in many ways the most difficult problem involving Negro union relationships in the C.I.O. arose in the conversion of the automobile industry in Michigan from civilian to defense production. At the time the conversion program was undertaken, Negro workers were generally restricted to foundry and unskilled work—types of employment in which there were to be drastic reductions. This meant that thousands of colored workers would be eligible and available for employment in new occupations under the transfer agreement between government, management, and labor.

When this problem was first presented to it, management hesitated to act. Certain companies attempted to justify their position by citing past experiences. One firm related that in 1940 the *rumor* that Negroes would be used on assembly lines had occasioned a stoppage of work. Then, in September, 1941, the Packard Motor Car Company transferred two Negro metal polishers to defense work. Immediately 250 white workers staged a forty-minute sit-down strike. This work stoppage, however, was not the first instance that the problem had arisen. At several automobile plants, Negro union members had raised embarrassing questions in their locals relative to the inconsistency between the official pronouncements, the constitutional provisions of the U.A.W.–C.I.O. and the practices of local unions.

It soon became apparent that some of the local union officials would not or could not handle the matter satisfactorily, and the International Executive Board was forced to establish an Interracial Committee to deal with it. As specific difficulties arose, the international assumed its responsibility, stated its position, and issued instructions to local officials. With the gradual acceptance of the union's responsibility in the matter, it was possible to secure further action on the part of management. Finally, the two began to co-operate in meeting the issue.

Developments in the automobile industry are most instructive in that they illustrate the complicated interrelations between management and unions in expediting upgrading for Negroes in plants where there is intrenched opposition among a minority of white workers. At the outset, both management and labor were not inclined to face this problem and act, since it was clear that there would be difficulties. The constant pressure of Negro union members to secure the enforcement of constitutional provisions by the international made the union join government in urging management to act. When the employers did act, it became obvious that many of the local unions would not or could not control their members. Then management and labor slowly evolved a program of joint action. It was not until both were convinced that they had to face the problem that anything worth while was accomplished. The really effective action took place when management and labor

simultaneously issued statements of policy and developed programs for disciplinary action.[19]

Had there not been constitutional provisions in the C.I.O. prohibiting discrimination, the Negro union members would have had less support in their demand for equal upgrading. Had there not been firm conviction on the part of both labor and management that the problem had to be solved, much more time would have been wasted in trying to establish which of them was responsible for the situation. When management took steps to upgrade Negroes and white workers refused to work with them it became clear that the responsibility for initiating corrective action lay with the union. The international and its officers had to face the problem of establishing machinery for facilitating and enforcing the policies of the organization. When these steps had all been taken, Negro workers won the right to upgrading—a right which theoretically had always been theirs. The Detroit experience of the U.A.W. and the position of its president, R. J. Thomas, in his international and in the councils of the C.I.O. did much to encourage the establishment by other C.I.O. unions of workable machinery to deal with subsequent problems involving the employment and upgrading of Negroes.

As the necessities of war production occasioned the upgrading and introduction of Negroes into many new occupations and plants, the number of walkouts of white workers in protest to the introduction of Negroes increased. There seemed to be a wave of such occurrences, and the Negro press characterized them as "hate strikes." Many of the plants involved had contracts with C.I.O. unions.[20] An example of an early instance is offered by developments in the Westinghouse plant at Essington, Pennsylvania. In January, 1942, a Negro was hired as a machine-shop learner. His presence was strongly resented by white members of the United Electrical, Radio, and Machine Workers. Management promptly laid him off and reported that he had been threatened with bodily harm. Local 107 of the U.E.R.M.W. attempted to avoid the issue. Finally it reached the international. That body took a realistic view and stated that "it [securing the upgrading of Negroes] is primarily a question of getting our own members in some localities to meet the problem honestly and deal with it in accordance with the policy of the national organization."[21] By June, 1942, District Council No. 1 of the Philadelphia industrial area drew up and unanimously approved a program for facilitating and encouraging the employment and upgrading of colored workers. In the spring of 1943 the epidemic of "hate strikes" hit the Middle West. Detroit seemed to have the largest number of cases, but the walkouts spread to near-by industrial Ohio and elsewhere. The United Steel Workers were involved at the Timken Roller Bearing Company in Canton, the U.E.R.M.W. at the Hoover Company in the same city, and the Industrial Union of Marine and Shipbuilding Workers in the Bethlehem Shipyard at Sparrows

[19] For a detailed description of developments in the automobile industry in Michigan see my article, "Detroit and Negro Skill," *Phylon*, IV (1943), 131–43.

[20] Most of the early "hate strikes" occurred in plants organized or in the process of being organized by the U.A.W. Thus, this union was forced early in the war program to devise a technique for dealing with the problem. For a brief description of U.A.W. action at an aircraft plant in Ohio, see n. 40 below.

[21] Correspondence between an international official and the writer.

Point, Maryland. In each of these instances and in a score of similar situations the appropriate international either co-operated fully or took the initiative in enforcing its nondiscrimination policy.

A. F. OF L. ACTION TO COMBAT DISCRIMINATION

When, in the fall of 1943, it was alleged that a foreman of a government project refused to hire Negro workmen referred by a local union of the International Union of Operating Engineers, A. F. of L., on the ground that a number of white workers had threatened to walk off the job if colored were employed, the organization reaffirmed its opposition to race discrimination. The foreman involved was informed by the local union that any operating engineer who carried out this threat would be replaced. The union's president reported to the President's Committee on Fair Employment Practice as follows:

"I can assure you that our local unions are open to membership for those who qualify as operators .... and our local unions have been instructed that discrimination against applicants because of race, creed, or color will not be tolerated."[22]

In the Bay area of California there was much difficulty relative to the placement of Negro skilled and semiskilled workers in the shipyards during the earlier years of the present war. One of the established firms, the Moore Drydock and Shipbuilding Company, had used Negro mechanics during World War I and was ready to expand their use. Other yards would accept colored workers. These shipyards had closed-shop agreements with the Boilermakers' union. Despite the fact that the international had modified its regulations and authorized the establishment of Negro auxiliary unions, the Bay area locals would not clear Negroes for employment.

In response to continuing pressure from government, the international had assumed responsibility in the matter early in 1942, and jobs in many categories were opened to colored workers. Negro workers, however, were placed in an auxiliary in accordance with the rules of the organization. At the close of 1942 that auxiliary had several thousand members; and by March, 1943, there were over 20,000 Negroes in the shipyards of the Bay area. It has been repeatedly charged, however, that the number of Negro workers employed in the area has been limited by the actions of the Boilermakers' union, and there is dissatisfaction on the part of Negro shipyard workers on the West Coast with their second-class union status. In Los Angeles, for example, a Negro worker in the California Shipbuilding Corporation has announced that he intends to test the legal right of the union to insist upon his discharge while it refuses to accept him as a full member.[23]

At the Kaiser yards in Portland, Oregon, a similar situation arose. It was the occasion of much negotiation and finally reached the Metal Trades Department of the A. F. of L. The president of the department dispatched a strongly worded telegram to the secretary of the Portland Metal Trades Council, stating that its action was contrary to sound

[22] (Norfolk) *Journal and Guide*, September 11, 1943.

[23] Although Negroes object in general to their restrictions to "segregated" unions, the issue in the Boilermakers involved more than the relegation of Negroes to separate unions. In this case colored workers are restricted to auxiliaries which are subordinate to the main (white) locals in the area. Thus the Negro worker who is required under a closed-shop agreement to pay first-class dues for second-class membership claims that he suffers from discrimination as defined in Executive Order 9436.

judgment and patriotic duty, the President's Executive Order, and the declaration of the A. F. L. and Metal Trades Department against racial discrimination. Later the president of the Metal Trades Council and the secretary-treasurer of the Boilermakers' International joined government representatives in establishing the right of Negroes to work in all capacities in the Kaiser yards. Here again, however, auxiliary locals were established, and Negroes immediately began to work within the union to achieve first-class membership.

As this is being written, the whole matter of the union status of colored workers in the Boilermakers' union is being challenged on the West Coast. Negro shipyard workers in the Portland area have refused to pay union dues to the colored auxiliary and state that if they are to continue to contribute toward the support of the organization they want full membership and the security and protection thereof. Recently a large number of Negroes who refused to pay dues for membership in an auxiliary were discharged under the terms of the closed-shop agreement between the Kaiser yards and the union. The case was referred to the President's Committee on Fair Employment Practice.

The traditional opposition of the International Association of Machinists to Negro membership inevitably limited the use of colored labor in war industries. Early in the defense program the international took the position that the Negro did not present a problem to the organization because there were so few skilled Negro machinists.[24] When, however, the I.A.M. assumed jurisdiction over semiskilled production workers as well as craftsmen, a large number of qualified Negro workers were affected by the union's restrictions.

At the Nashville plant of the Vultee Aircraft Company, at the Boeing Aircraft Company plants at Seattle and Wichita, and at several shipyards on the West Coast local Machinists' unions declared they could not clear or refer colored men to defense jobs because of the ritual provision banning nonwhite persons from membership.[25] Then, in October, 1941, at the California hearings of the President's Committee on Fair Employment Practice, cases were presented alleging that Local Lodges No. 68 and No. 751 had refused to admit Negroes to membership or clear them for employment at the Bethlehem Shipyard in San Francisco and the Boeing Aircraft plant in Seattle. These cases were referred by the committee to President Roosevelt. He in turn discussed them with President Green of the A. F. of L., who conferred with Harvey Brown, president of the I.A.M., urging him to act upon the complaint "quickly and decisively." The effect of this action was to establish the precedent of issuing work permits to Negroes by these lodges of the Machinists' union. Other local lodges on the West Coast followed a similar procedure.[26]

[24] As a matter of fact, of course, the exclusionist policy of the union was the largest single factor limiting the number of Negro machinists.

[25] An example of the attitude of many local Machinists' unions is offered by a letter issued by the local at the Seattle Boeing Aircraft plant in August, 1939, and addressed "to whom it may concern": "The Aeronautical Mechanics Local 751, affiliated with the International Association of Machinists, permits membership in its organization only to 'competent white candidates.'" The international's ritual requires that each member promise "I will never propose for membership in this Association any other than a competent, white candidate" (*Ritual of the International Association of Machinists, Revised and Adopted by the Eighteenth Convention in Atlanta, Ga., September 17 to 27, 1928*, p. 9).

[26] Included among this number were Local Lodges No. 63 in Willamette and No. 79 in Seattle.

One of the problems encountered under the work-permit system was the matter of fees. The original agreement with the Boeing local in Seattle provided for the issuance of thirty-day renewable work permits. These cost $3.50, and the annual fee for Negro nonmembers thus cleared was $42.00. Full members, however, paid only $25.00 initiation fee and $1.50 dues per month. This meant that members paid $43.00 the first year and $18.00 per annum thereafter; Negroes on permits would pay $42.00 per annum. Naturally, the colored workers objected to this arrangement. It is reported that an adjustment has been made whereby Negroes who work on permits pay $3.50 for the first twelve months, and thereafter $1.50 per month.

Following the pattern on the West Coast, Negroes are being cleared by the I.A.M. in other sections of the nation. Thus at the Commonwealth Aircraft Corporation in Kansas City and the Beech Aircraft Company at Wichita, where the Machinists have closed-shop agreements, Negro workers have been cleared and are now working on production jobs. In a few other aircraft plants in the area, such as Boeing at Wichita and Curtiss-Wright at St. Louis, where the Machinists have bargaining rights, Negro workers are employed in similar capacities. In all these instances, colored members pay no fees. At the Curtiss-Wright plant, where there were some six hundred colored workers in the fall of 1943, an effort was made to organize them in a subsidiary union. This the Negroes have refused to accept.[27]

The most significant development in the I.A.M. occurred in Cleveland. In March, 1943, Local Lodge 54 accepted Negro employees at the Warner and Swasey plant into full membership, apparently with the tacit approval of the international. In connection with this development, Peter Gencope, organizing chairman of the shop committee of the plant, stated to colored workers:

"I am reminded that no matter where you go, if you have your union card with you then you will be recognized as a member of the machinist Lodge No. 54. . . . . There will be no separate meetings of white and Negro. You will sit in our regular meetings, with full voice and voting rights. . . . ."[28]

These developments in the Boilermakers' and Machinists' unions indicate that the internationals can take effective action to facilitate clearance of Negro workers.[29] They also show that, when sufficient pressure of public opinion, government persuasion, and economic necessity are exerted, these organizations will take such action.

THE SIGNIFICANCE OF RECENT EVENTS IN NEGRO UNION RELATIONSHIPS

There are two principal developments which are responsible for these events: the manpower requirements of war pro-

---

[27] An interesting development occurred at the Lockheed-Vega plane factories in Los Angeles. The company took the lead in integrating Negro workers and sought the co-operation of Local Lodge No. 727 of the Machinists. The local co-operated fully and actually initiated some Negroes, in violation of the ritual. In the summer of 1942 these colored members were dropped, but the local took steps to have the color bar removed through a referendum, thus demonstrating that the international had probably insisted upon observance of the ritual. The Boeing local of the Machinists is also reported to be in favor of initiating a resolution at the international's next convention to the effect that Negroes should enjoy full membership and rights incident thereto in the I.A.M.

[28] *Cleveland Call-Post*, March 3, 1943.

[29] The clearance of Negroes by the Machinists has been exclusively concentrated in areas in which the local union has departed from its former craft basis and is organized on an industrial-union pattern.

duction and the shift of the Machinists' and Boilermakers' unions from a craft to an industrial basis. The first of these occasioned the breakdown of skills, the concentration of war workers in single skilled and semiskilled jobs, and government's policy of nondiscrimination in employment as finally expressed in Executive Orders 8802 and 9346. It also resulted in many tight labor markets and the economic necessity for removing barriers to Negro employment in new industries, occupations, and firms.[30] The second brought the two largest metal-trades unions face to face with the problem of dealing with a large number of colored workers who were needed in war production.

The issuance of work permits to Negroes, the acceptance of them in auxiliary locals, and their clearance to war jobs without the payment of fees have not solved the old problem of full union membership for colored workers. It has, however, established a *modus operandi* for facilitating the utilization of Negroes on government-financed jobs. It has demonstrated that the A. F. of L. and the international unions involved can influence the policies and practices of their locals. Internationals can, when economic, public, and government pressures require it, modify long-standing practices of barring Negroes from employment in plants under their jurisdiction. While it is true, as Northrup observes, that the I.A.M. could, in accordance with its ritual, dismiss its colored members,[31] the international cannot again sustain the fiction that it is powerless, because of its ritual, to expedite the use of colored workers in plants where it has bargaining rights or closed-shop agreements. Nor can the Machinists or Boilermakers sustain the assertion that white and colored workers under their jurisdiction cannot work together. They are doing so today by the tens of thousands.

Northrup has aptly observed: "Any statement that the I.A.M. has changed its racial policy is premature at this time and will be as long as the exclusionist clause remains in the union's ritual."[32] The necessities of war production, however, are modifying the immediate effect of the ritual's exclusionist clause and in a few cases are actually negating it. Today thousands of Negro workers are being trained and employed in occupations which fall under the present jurisdiction of the Machinists and Boilermakers. Some of them have gained training and experience in skilled trades; a larger number have been working in single-skilled and semiskilled jobs. Some have been in shops with C.I.O. contracts, some in plants with A. F. of L. contracts, and a smaller number in open shops. They are now occupationally qualified in appreciable numbers. Those who are in A. F. of L. shops are attempting from within the union to break down the barriers to their full membership.

In the future it will be possible for government to point to the current experience to show that these unions can effect compliance with federal nondiscrimination policy. It can point to the internationals as the appropriate agencies to effect such results. If the practice of securing the employment of Negroes in shops controlled by these unions is extended long enough or if the govern-

[30] The removal of barriers to Negro employment is far from complete or satisfactory, but progress has been made and with it occupational advancement. For a statement of the situation in the spring of 1943 see my article, "The Employment of the Negro in War Industries," *Journal of Negro Education*, XII (1943), 386-96.

[31] Northrup, *op. cit.*, p. 220. Apparently just this happened at Lockheed-Vega local.

[32] *Ibid.*

ment's nondiscrimination policy is expanded to include contracts involving interstate commerce, it will be good business for the unions to admit colored members. Indeed, there are already signs that white union members will often take the lead in demanding such action. It is difficult for many of the new unionists[33] to understand why Negro workers should not pay full membership fees, and colored workers are constantly objecting to first-class fees and second-class membership.

It must be recognized that the relaxations which have been made in these two metal-trades unions to date may be of temporary moment. They have never been operative except on certain government-financed projects. The I.A.M. can invoke provisions of its ritual and declare existing Negro members ineligible or rescind its policy of issuing work permits and clearance. The Boilermakers' union can amend its rules governing auxiliaries and cease chartering such auxiliaries. Any of these acts could result in the exclusion of Negroes from jobs where these unions have certain types of contracts. The continuing pressures for additional relaxations of the color line in these organizations[34] will combine with existing government policy[35] and the economic necessities of the war to prevent such action for the duration. What will happen in the postwar period will depend in large measure upon the type of economy we have. This much is certain; the fact that the two largest metal-trades internationals have on occasion assumed responsibility for effecting the employment of Negroes will have an influence upon the future status of the black worker. It will certainly place the unions involved in a difficult position with at least some of the public when and if they attempt to justify practices which arbitrarily exclude Negro workers from employment. If the necessities of war, future government policy, or public opinion require the continued clearance and employment of Negroes, internal and external forces will combine to challenge the ritual bars to Negro membership in the larger metal-trades unions. On the other hand, if there is an immediate, long, and serious depression, it is doubtful if the Negro's status in the Machinists' and Boilermakers' unions will be much improved over his pre-war position. It is because of the tenuous status he now has in these

[33] Most of the inflated membership today is new and not permeated with the craft-union-mindedness of much of the leadership. In September, 1943, the Providence (R.I.) Urban League reported that Local 308 of the Boilermakers' union unanimously went on record against the formation of an auxiliary local for colored workers and in favor of accepting such workers into full membership.

[34] In September, 1943, the National Association for the Advancement of Colored People filed a brief with the National Labor Relations Board in relation to a case to determine whether the machinists' local of the United Steel Workers, the Bay City Metal Trades Council, A.F. of L., or the welders should have bargaining rights at the Bethlehem Alameda (California) Shipyard and Shipyard Division of the Bethlehem Steel Company. The National Association for the Advancement of Colored People pointed out the restrictions on Negroes in the Bay Cities Metal Trades Council and the unrestricted membership of colored workers in the steel workers and the welders. It then stated: "On the facts of the instant case, it is submitted that the opportunity which would be afforded to all workmen to enjoy real rights of union membership without racial discrimination by the welders [an independent union] and the steel workers, but denied them by the Trades Council [made up of A.F. of L. locals] should be one of the controlling factors in favor of the bargaining units and elections therein proposed by the welders and machinists [of the Steel Workers] and against the petition of the Trades Council" (press release of National Association for the Advancement of Colored People, September 17, 1943).

[35] For a description of government activities in this field see Leon A. Ransom, "Combatting Discrimination in the Employment of Negroes in War Industries and Government Agencies," *Journal of Negro Education*, XII (1943), 405–16.

unions that the Negro worker is fighting to achieve full membership with its larger guaranties for the future.[36]

The recent action of the C.I.O. in effecting the upgrading of Negro workers is significant because it, too, involved the establishment of a *modus operandi*. In this instance, international officers have demonstrated that they can influence the actions of recalcitrant locals. In the future it will be difficult for these officers to justify to an increasing number of Negro members their failure to enforce nondiscriminatory constitutional provisions and statements of policy.[37] In the postwar economy, when unions will insist upon the retention of workers in accordance with seniority, the application of nondiscriminatory policies will be of great importance to Negro unionists, although it will involve many difficult short-run problems.

LABOR UNIONS AND THE NEGRO COMMUNITY

The growth of Negro populations in industrial centers and the development of industrial unionism have changed community attitudes. When, for example, the C.I.O. solicited Negro membership and guaranteed no discrimination on account of race, creed, or color, many Negro liberals saw in the new industrial unions the complete economic salvation of colored Americans. Here, at long last, they found a labor movement which not only accepted but courted Negro labor. After years of failure in this field, Negroes, who were in accord with the ideology of the labor movement and tormented by the practices of some unions and the resultant jibes of antiunion leaders of the race, rejoiced that their theory had justification in fact. Many despaired of securing any relaxation of exclusionist and discriminatory practices in certain craft unions; others saw in the C.I.O. the automatic and complete economic emancipation of the black worker. As would be expected under such circumstances, indorsement and hopes went too far. Disillusionment was sure to follow such all-out support of a new and, at times, undisciplined organization.

There were, however, several important developments in the field of Negro union relationships incident to the rise of the C.I.O. The resulting wider participation of Negroes in the labor movement and the inclusion of occupations in which Negroes were concentrated in organizational campaigns brought to the Negro community more actual contacts with labor organizations than it had ever had before.[38] Large numbers of Negroes became conscious of labor unions, and the movement became accepted among them as they became accepted by the movement. Thus, today, in most of the in-

[36] Negroes realize that the principal purpose of union exclusion in the past has been to exclude them from competition (see Northrup, *op. cit.*, p. 209). Obviously, the urge to invoke such restrictions is greatest in periods of slack demand for labor; conversely, the most favorable period for removing or modifying them is in a time of excessive demand for labor. The present is a propitious time for dealing with this problem for another reason. It has long been recognized that craft unionists are extremely "work-scarcity conscious," and the present mass shipbuilding and aircraft membership of the Boilermakers and Machinists is less so than the old-line leadership. This leadership, however, is constantly thinking of the future and the possible intense competition for a limited number of jobs in the postwar period. This is probably the basis for its disinclination to remove restrictions on nonwhites.

[37] In some of the larger C.I.O. internationals, Negro unionists have had valuable lessons in how to influence union policies and practices. They have also secured elections to strategic offices and designation to committees. These experiences should be valuable in assisting them to protect their current gains in the future.

[38] The present industrial nature of the Machinists' and Boilermakers' unions has had a similar effect.

dustrial areas of the nation, there is a conviction on the part of the vast majority of articulate colored citizens that the Negro worker should and must become a part of the forces of organized labor. A decade ago only a small minority of colored citizens shared this belief. A part of the difficulties which face Negroes in labor unions is due to their inexperience and unfamiliarity with organized labor. This deficiency has often led to a lack of participation on the part of Negroes in the affairs of local unions. In some instances Negro workers have requested or accepted occupational seniority—a feature of certain C.I.O. contracts which froze colored workers in unskilled occupations.[39] In other instances Negroes who had been separated from white people all their lives did not feel free to attend union meetings with them.

During the depression these patterns developed in industries in which there was a slack demand for labor and in which the union was in no position to deal effectively with the problem of upgrading. In such industries the organization was usually held together by a minority of members who were thoroughly schooled in the ideology and methods of unionism. Few Negroes were so qualified in the basic industries. There were, however, a few outstanding exceptions. In the meat-packing industry, for example, under the able leadership of experienced colored unionists, Negroes participated in union activities and secured significant occupational advances. This was a consumers' goods industry, and it never suffered the degree of unemployment which typified durable goods production. The economic factor combined with able Negro leadership (developed chiefly in the United Mine Workers of America) to illustrate how labor organizations can effect new and better job opportunities for colored workers. This lesson is most important today. Recent occurrences, such as the emergence of the Negro as a powerful factor in Local 600 of the U.A.W.–C.I.O. at the Ford Motor Company, in the industrial unions in the Columbus, Ohio, area,[40] and in the National Maritime Union indicate that further progress is being made in this field.

The experience of Negro workers in the conversion of the automobile industry and similar experiences with labor unions in other areas of war production have created a much more realistic attitude of Negroes toward organized labor. No longer are labor unions damned or praised without reservation. Rather, they are being analyzed carefully on the local level and evaluated in terms of their performance.[41] In instances when they

[39] Weaver, "Detroit and Negro Skill," *Phylon*, IV (1943), 135–36.

[40] At the Columbus, Ohio, Local No. 927 of the U.A.W.–C.I.O. significant progress has been made by Negroes. The Curtiss-Wright plant, where this union now has a contract, was the scene of a strike when a Negro was upgraded in the machine-tool department. Although there were many grievances unrelated to the race issue, one of the union officials accentuated the racial factors. The international promptly pulled him out of the area, effected a settlement, and insisted upon complete integration of Negro workers. Today there are over a thousand Negroes in the plant, and five of the eleven delegates recently elected to the U.A.W. convention are colored.

In the Columbus union of the United Steel Workers of America, there is significant Negro participation. The vice-president of the Area Industrial Union Council is a Negro steelworker. Colored men serve as president of one of the steelworkers' locals, vice-president in two others, and recording secretaries in two locals.

[41] An early example of this is offered by the switch of Negro workers at the Ingalls Iron Works in Birmingham, Alabama, from the C.I.O. to the A.F. of L. (see my "Racial Employment Trends in National Defense," *Phylon*, II [1941], 337–58).

A labor commentator in the *Chicago Defender* reports these recent incidents: "In Chicago nearly 500

are not fair, it is being realized that their behavior is a reflection of the prejudice of a segment of the rank-and-file membership and some officials. Negro workers no longer turn *en masse* against all labor unions in such situations. They demand from unions, as they demand from employers, the right to work in war production. They fight to gain admittance and to secure all the rights and privileges of membership.

Despite this obvious gain in attitude, there is still need for much education among Negro workers and the community relative to the problems of unionism. Colored workers must learn more about the structure and operations of labor organizations. It is in their interest to participate more actively in local and international business meetings and to become better informed of the policies and practices of the local and international unions. Progress is being made in these directions. The fact that there are over a half-million Negroes in labor unions is the most significant single development. Recent conventions of the United Automobile Workers, the Oil Workers International Union, the United Steel Workers, the United Rubber Workers, the United Electrical, Radio, and Machine Workers, the National Maritime Union, as well as those of the national C.I.O., indicate that more and more colored union members are active participants in the affairs of these organizations. Likewise, the courageous and intelligent stand of the U.A.W. and its president during and after the Detroit race riot did much to impress the Negro community with the significance of a strong labor organization as an ally.[42]

In the past the major participation of Negroes in the A. F. of L. has been concentrated in the Brotherhood of Sleeping Car Porters, the Longshoremen, the food-restaurant-hotel unions, and a few of the building-trades unions. The leadership of A. Philip Randolph of the Sleeping Car Porters has made him and his organization the spearhead of the Negro's fight for recognition in the federation.[43] Recently, the growth of Negro employment in the shipyards of the West Coast, the gradual entrance of single skilled Negroes in southern shipyards, and the entrance of Negroes into aircraft plants have occasioned the clear-

---

Negroes in a National Mediation Board election switched their affiliation from the AF of L to the CIO. However, in a surprise move, down in St. Louis, 400 Negroes in a National Labor Relations Board election switched their affiliation from the CIO to the AF of L. The explanation for these apparent contradictions probably is to be found in the policies of local and regional union officials. It is quite conceivable that when workers get tired of abuses they will vote one union out and another one in. A sort of Democrat vs. Republican affair" (George McCray, "The Labor Front," *Chicago Defender*, September 25, 1943).

[42] "The roles played by several non-governmental organizations and by the majority of Detroit citizens [in the riot] may be summed up briefly. The chief trade union in the area, the U.A.W.-C.I.O., immediately accepted the challenge, and its President, R. J. Thomas, passed that challenge along effectively, to the union's shop stewards and other officials—in spite of strong, known anti-Negro sentiments among the rank-and-file in certain Detroit plants. This required political bravery" (A. M. Lee and N. D. Humphrey, *Race Riot* [New York, 1943], pp. 78–79).

"R. J. Thomas, President of the United Automobile Workers' Union (CIO) issued an eight-point program of 'immediate and effective community action' to forestall a recurrence of race riots in Detroit. His proposals were characterized the following morning by the *Free Press* as 'not only timely but specific and they treat of longterm as well as immediate causes of mobocracy.' The *Free Press* 'indorses each one of them' and said that Thomas 'was the only Detroiter who had come forward with a set of formal recommendations looking toward a restoration of inter-racial accord for our riot-ravaged city' " (*ibid.*, p. 46).

[43] For a concise description of Randolph's fight for Negro workers at recent conventions and the general approach of the conventions to the problem of Negro exclusion by affiliates, see Northrup, *op. cit.*, pp. 211–16.

ance of Negroes by metal-trades unions and have raised practical questions of Negroes' status as members of these unions.[44] The internationals involved are facing a problem affecting over twenty-five thousand colored war workers.[45] It is conceivable that out of this new manifestation of the problem and the pressure of war production will come new developments in Negro participation in metal-trades unions. Certainly, the fact that tens of thousands of Negroes are working in plants under the jurisdiction of these unions will strengthen the hands of those who would remove barriers to Negro membership in them. Conceivably, it may also become the occasion for the rise of a strong movement for the removal of color lines and second-class membership based on race.[46]

[44] Developments in the A.F. of L. as set forth in this paper and the action of the sixty-third convention of the Federation in the fall of 1943 indicate that the internationals are the key to this problem. Although on occasions the A.F. of L. has actually interceded in effecting the clearance and employment of colored workers through its affiliates, it has since 1895 maintained the fiction that it is powerless to control the internal policies of its affiliated international organizations. Apparently, the actual situation is as follows: In response to economic and governmental pressures the A.F. of L. has, in recent months, influenced the practices of internationals and secured clearance for Negroes. It has not, however, taken official cognizance of the matter of Negro's membership status in affiliated internationals.

[45] The clearance of Negroes, if maintained long enough, tends to raise the problem of their membership status as a practical matter within internationals. This follows from the facts that: (1) Negroes on work permits or in auxiliary locals continue to press for full membership; (2) white workers join them in this movement (as the Machinists at Lockheed, Boeing, and Warner and Swasey and the Boilermakers at the Kaiser yard in Providence, R. I.); and (3) the relegation of Negroes to auxiliary locals is being presented to F.E.P.C. as a violation of the President's Executive Order banning discrimination in defense employment.

[46] Since the fall of 1943, when this paper was prepared, there have been some interesting developments.

The National Labor Relations Board has held a hearing on the matter of Bethlehem-Alameda Shipyards, Inc., *et. al*, and the Bay City Metal Trades Council (see n. 34 above). The board found that Negroes in the Boilermakers' union were segregated into separate auxiliaries and expressed grave doubts "whether a union which discriminatorily denies membership to employees on the basis of race may nevertheless bargain as the exclusive representative in an appropriate unit composed in part of members of the excluded race." In the case before it the board evaded deciding this question but stated that it expected the local metal-trades council to comply with Executive Order 9346. (N.L.R.B. press release, December 4, 1943).

In November, 1943, F.E.P.C. conducted hearings on the Boilermakers' locals in Portland, Oregon, and Los Angeles (see above, pp. 241 f.). In its findings and directives the committee instructed the unions to take the necessary steps to eliminate discriminatory policies and practices. This action was followed by an appeal to President Roosevelt and direct negotiations with the International officers of the union. Despite the fact that the President addressed a letter to the International Convention and that President William Green of the A.F. of L. made a personal appeal to the body, *the International voted unanimously to keep Negro members in auxiliary lodges*. The Boilermakers did, however, make a few concessions, the most important of which were to seat delegates from auxiliaries in future conventions, to permit auxiliaries to affiliate with metal-trades councils and district lodges, to instruct the executive board to define the status of auxiliaries, and to initiate action to include Negroes on an equal basis in the union's insurance plan (*Federation News*, Chicago, March 4, 1944).

Negroes have made more progress through the courts than through direct union action. In January, 1944, a court in Providence, R.I., declared that the purpose of auxiliary locals of the Boilermakers was to segregate Negroes in a position less favorable than that of white members. It then ruled illegal and void a union election in which the international had challenged and refused to count the votes of colored members. The Negro auxiliaries were ruled illegal and void in so far as they involved racial discrimination, and the members of the auxiliary were declared members of the supervising local (Thurgood Marshall, "Negro Status in the Boilermakers' Union," *Crisis*, LI [1944], 78). Also in February, 1944, a court in California enjoined a San Francisco local of the Boilermakers from compelling colored workers to join an auxiliary, and the company and the union from excluding Negroes from employment because of nonmembership in the union. The local was then ordered to accept Negroes into full membership (*Monthly Survey of Events and Trends in Race Relations*, February–March, 1944, p. 5).

CHICAGO, ILLINOIS

FEPC

WEEKLY NEWS DIGEST

(For the Information of the Staff--Not for Publication)

Vol. 1 No. 51 November 24, 1944

UNIONS ON FEPC

Both AFL and CIO annual conventions, taking place during the week, approved of interest to FEPC. The Chicago Defender (Nov. 18) reported that the AFL in New Orleans, ". . . . urged a union program to eliminate job discrimination in a post-war America." But in the very same executive council report to the parley . . . the AFL for the first time comes out into the open in opposition to a permanent Fair Employment Practices Committee." The stand, says the Defender, is based "solely on the provision in the permanent FEPC bill which would prohibit unions as well as employers from discriminating against Negro workers."

Meanwhile, in Chicago, the CIO convention received its annual report from President Philip Murray in which, concerning FEPC, Mr. Murray says: ". . . It is essential that laws be passed giving the agency authority to enforce its decisions in court, power to direct hiring or reinstatement with back pay, power to subpoena witnesses in hearings, and appropriations sufficient to maintain adequate field offices. Bills intended to accomplish this purpose have been introduced in Congress by Senator Dennis Chavez (N.M.) and Congressman Thomas E. Scanlon (Pa.). The Committee on Education and Labor in the Senate has reported out the Chave bill. The Labor Committee of the House was scheduled to resume hearings earlier this month. It is imperative that all CIO organizations lend their full support to the enactment of these bills into law.

"It is difficult for your president to emphasize sufficiently the complete support for the FEPC on the part of all CIO organizations. The discriminatory treatment which is accorded to Negro citizens in this great democracy of ours is a stain on our national honor. It is a menace of no mean proportions to our national saftey, our internal security, and our national institutions. It contains within it the germ of deep social conflict and violence. It endangers our relations with other nations to whose peoples such discrimination denies the hope and aspiration for equality among all. It is a thing with which America can temporize only at the ultimate cost of its most precious ideals. There is also serious discrimination in this country against Jews and against persons of Latin American origin in the Southwest. These issues must be faced fairly and squarely. Organized labor must take the lead in this fight."

****

OTHER AGENCIES

The National Labor Relations Board issued an Order Nov. 18, directing a hearing on a motion to rescind certification of the Tobacco Workers International Union, Local 231, AFL on grounds that the union does not provide equal representation for all employees in the bargaining unit irrespective of race or color. The Nov. 18 Order is an amendment to an Order of similar nature issued in the same case May 27, 1944. The motion was submitted originally by the United Cannery, Agricultural, Packing and Allied Workers of America, CIO and charged that the Tobacco Workers refused to bargain for Negro workers in the unit, refused to admit Negroes to regular membership but had set up a separate or "auxiliary" Local 245, carrying on all affairs of the Negro workers separately and in such a manner as not to afford the Negroes full and equal representations and rights. Following issuance of the first order, the NLRB accepted briefs and statements from both the AFL and CIO unions and the Company involved. The AFL union denied the charges, the

CIO union repeated them, spelling out details and the Company averred that its own dealings with the AFL union "indicated that it intended to bargain for all employees. . . .including the Negroes." The recent order was issued following consideration of these statements, indicated the opinion that "there are certain issues of fact and law. . . which cannot be resolved upon the record in its present state and that a hearing is necessary in order to resolve these matters." The Order also pointed out that the original certification of the AFL union was a "determination by the Board. . . . within the principles enunciated by the Board in Matter of Bethlehem-Alameda Shipyard, Inc., 53 N.L.R.B. 999." The Bethlehem-Alameda opinion is the NLRB action setting forth the premise that certification of a bargaining unit carried with it the obligations of the union to represent all workers therein equally and fully irrespective of race or color.

****

STAFF NEWS

Deputy Chairman George Johnson is scheduled to attend the annual meeting of the National Bar Association in Chicago, December 1-2 where he will discuss some of the legal problems relating to the work of the Committee.

Mr. George Danner McKay, newly appointed (Nov. 7) Examiner in the Atlanta office came to his new post from the National Labor Relations Board where he was an Examiner and Investigator. Mr. McKay fills the vacancy created by the resignation of Mr. Tipton.

Committee members Boris Shishkin and Milton Webster are in New Orleans attending the AFl conference and Committee member John Brophy is in Chicago attending the CIO convention. Committee member Charles Houston visited the Ordnance plant operated by Committee member Charles Horne and later examined the plant and facilities of the U. S. Cartridge Company and the McQuay-Norris Company in St. Louis. These visits by Committee member Houston are being made preparatory to the Committee's decision in the St. Louis hearings.

Trial Attorney Reeves reports from San Francisco that a satisfactory adjustment of the union controversy at the Richmond shipyards of the Kaiser Company, Inc. may well depend upon the result of the proposed conference between Committee members and Mr. Harvey Brown, International President of the Machinists' Union.

****

REGIONAL ROUNDUP

REGION II: Syracuse (N.Y.) Transit Corporation needed operators, advertised daily but allegedly was refusing Negro applicants. FEPC Regional representative negotiated with company. First Negro, hired, trained, is operating a bus on a regular run, with others to follow. . . In Hartford, Conn., the Connecticut Company, transit system operators, were called to Regional Office conference after negotiations over a period of time seemed going nowhere. Company agreed, after conference discussion to hire qualified Negroes. Actual compliance not yet determined because original complainants no longer available for jobs and Hartford employment agencies finding difficulty in getting qualified applicants. . . This office reports difficulty in handling cases involving government agencies because of "failure of FEPC nationally to definitely establish its authority as the final judge of whether or not discrimination has occurred." FEPC being criticized as ineffective in such (government agency) cases by NAACP and several unions, particularly UFWA-CIO, reports Director Lawson, adding that his Field Examiners, in recent staff conference, agree this is one of their major problems. . . Chairman Ross

was guest at St. James Presbyterian Church Forum, Nov. 19, New York City, answered questions on aims and accomplishments of FEPC.

REGION VII: Dr. Witherspoon Dodge, new Regional Director, recently visited Mr. Ralph McGill, editor of the Atlanta Constitution during which Mr. McGill warmly welcomed Dr. Dodge (they're old friends) also spoke very highly of the former director, A. Bruce Hunt, and invited Dr. Dodge to feel free to call upon him at any time. Southern press is giving considerable space to the Committee press release announcing promotion of Hunt and appointment of Dr. Dodge--without unfavorable comment too.

REGION IX: Douglas Aircraft at Tulsa, Okla., employs about 600 Negroes, reports Regional Director Hoglund, integrates them in work assignments but segregates them as far as sanitation facilities are concerned. . . . Oklahoma State Commander of Disabled American Veterans has informed Director Hoglund that he feels there might be opportunities in which his organization and our agency might find common points of interest and opportunities fro cooperation. . . . Officials and communtiy leaders in Tulsa indicate general belief that tensions there have decreased, credit it chiefly to better employment opportunities for Negroes. However, in some quarters, it is feared that present sympathetic attitude toward veterans (Negrops) may disappear with war's end, and some difficulties in placing returning vets are beginning to make appearance. Main excuse for rejection right now seems to be "inability to do heavy work."

REGION XII: The newly appointed Liaison Officer between WMC and FEPC (Mr. Charles Bratt) is preparing to incorporate some of the provisions of the procedural manual published by WMC's Region II(New York) in a manual he had been authorized to prepare for Region XII. . . . Example of good working relationship: Regional Office received complaint that worker who passed an examination some months before was still waiting for the accompanying rating. A telephone call to the personnel relations officer of the party charged resulted in the rating coming through three days later. No fuss, no bother--primarily because of previously established relationship with party involved.

****

GENERAL ROUNDUP

The Atlanta Constitution (Nov. 20) carries an AP story datelined from Washington, D. C. reporting that Senator Russell (D., Ga.) may "spearhead opposition to permanent FEPC". The Senator is quoted as declaring that there is strong opposition and that "after the issue is understood," the opposition will be by no means confined to the south. Declares Senator Russell also; "Why, it (FEPC) would go farther toward nationalizing industry than any other thing. . . privat industry would really be dead." The attention of the editors of the Digest has been called to the Congressional Record (June 16, 1944, p. 6112) in which Senator Russell is quoted as follows: "I believe in fair employment practices which are established by the Congress of the United States. . . "with the comment that the AP story may be a bit premature.

Examiner Theodore E. Brown (Region IX, in charge of St. Louis sub-office) almost re-entered the armed forces--from which he holds an honorable discharge as of 1941--under compulsion recently. Held by Federal men on a charge of failing to keep his local draft board informed of his address, Brown was taken to Fort Leavenworth, was practically a GI again when Gen. Hershey, national director of Selective Service, in Washington, ordered his release. The Kansas City Call (Nov. 17) carried a full story, hinting at an "undue haste" and "unusually strong" inclination on the part of authorities to disregard a letter from Brown's local board in

New York which stated that he is not delinquent and that any mistake in his draft papers is their fault not his. Central Office of FEPC, apprised of the situation while it was going on, took active interest in assuring Brown fair hearing and his full rights. Brown enlisted in 1941, in Army Air Force, got honorable discharge as unfit for pilot service after being in first class of air corps cadets sent to Tuskegee (original 99th Squadron) following a crackup. His local board says discharge papers were sent by mistake to another New York local board, hence possibility of Brown's own classification credentials being questioned up to Nov. 9 when his new classification card was sent to him. Minor dispute in Kansas City bus in which Brown was involved Oct. 29 started chain of events leading up to draft difficulties. The bus dispute ended up in municipal court with Brown's exoneration. FBI then took over.

****

SPECIAL NOTE

Determined that the first FEPC nationwide payroll would keep its deadline and that all pay checks (you must have received yours by now, haven't you?) would go out as early as possible, staff members in the Fiscal Section worked till nearly midnight a few evenings prior to Nov. 19. So a pat on the back--with hope that they'll never miss such a deadline--for Ralph Selby, Pearl T. Brent, Rosalee A. Jackson, Elizabeth C. Carpenter, Otelia E. Nelson and Sylvia B. Rose.

****

This news digest is intended as a two-way channel between the Regional Offices and Washington, D. C. Send items concerning your region to St. Clair T. Bourne, 261 Constitution Avenue, N.W. Washington, D. C.

REPORT TO THE NATION

NATIONAL COUNCIL FOR A PERMANENT FEPC
250 W Street, N. W.
Washington 1, D. C.

VOL. II, No. 1 January 20, 1945

"The withholding of jobs and business opportunities from some people does not make more jobs and business opportunities for others. Such a policy merely tends to drag down the whole economic level. You can't sell an electric refrigerator to a family that can't afford electricity. Perpetuating poverty for some merely guarantees stagnation for all. True economic progress demands that the whole nation move forward at the same time. It demands that all artificial barriers erected by ignorance and intolerance be removed."

—Eric A. Johnston, President
U.S. Chamber of Commerce

OUR PERMANENT FEPC BILL IS ONE WAY TO HELP REMOVE THE BARRIERS ERECTED BY IGNORANCE AND INTOLERANCE AGAINST WORKERS!

. . . . . S E E M S S O . . . .

BOTH PARTIES PROMISED A PERMANENT FEPC DURING THE CAMPAIGN — YOU MUST SEE TO IT THAT THEY BELIEVED ONE DURING THE LAME-DUCK SESSION OF THE 79TH CONGRESS!

We Are Glad To Report That:

1. We now have 42 local councils for a Permanent FEPC in key spots all over the country.

2. Dayton, Ohio, was the first local community to send a substantial contribution toward our work. ($657)

3. Kansas City, Missouri, is the largest community contributor to date. ($750)

4. Newark, New Jersey, held a large benefit in November and raised $600 for us.

5. New Orleans, Louisiana, has set up an interracial council and has a goal of $5,000 for that community.

6. Detroit's local council is the newest addition to our list. They have set themselves a quota of $25,000.

Vallejo Council, California, $250.00; Rev. James Asa White, Reno, Nevada, $10.00; Southwestern Connecticut Committee to Promote Fair Employment Practices, Stamford Conn., $20.00.

THE POLITICAL SITUATION

It has been said that nothing grows cold more quickly than a campaign promise. Proof is available in the fact that since the new Congress began its work neither the Administration nor the Republican leadership has come out publicly for early action on permanent FEPC.

During the campaign the Democratic Party, through President Roosevelt, promised a permanent FEPC. The usual procedure for the winning Party is to present its program to Congress, based on its platform, at the opening of its session. This was done, but the Permanent FEPC was conspicuous by its absence.

When Mr. Byrnes, Director of War Mobilization and Reconversion, made his annual report to the President and the Congress on January 1st, he made no mention whatever of the discriminatory practices which hamper our war production. This was despite the fact that he knew, as everybody knows, that prejudice and bigotry still stand between present lags in war production and the meeting of wartime production goals. This was also despite the fact that he asked, among other things, for strengthening of the War Manpower Commission and for enforcement powers for the War Labor Board via congressional action.

Again, on January 6th, the President's State of the Union message failed to mention the enactment of a permanent FEPC. The omission was conspicuous because here, too, was a thoroughgoing analysis of our manpower problems and a call for congressional action toward their solutions.

The Administration having failed to take the initiative on FEPC, the logical thing would have been for the minority Party to snatch the ball. But, the Republican leadership failed to take the obvious political advantage of these omissions and to take the initiative in advancing the permanent FEPC, despite the clear-cut campaign promise of both their platform and their Presidential candidate.

Why? Because the political leadership of both Parties is not sufficiently impressed by the extent of the desire for Permanent FEPC legislation to risk antagonizing the Southern Bloc.

Both Parties are jockeying for position in Congress. Both Parties are competing for the support of the Southern Bloc. During the election campaign, both felt it desirable to support Permanent FEPC legislation and that record ended in a draw, so far as the Southern Bloc was concerned.

Now that Congress is getting under way, "realistic" political leaders of both Parties appear to be weighing the costs of fulfillment of campaign promises. The costs are rotes in the 1946-1948 elections. The alternatives are support or non-alliance with the Southern Bloc. We may help them make up their minds as to which is the lesser evil.

-2-

The political leadership has not even given the progressive minority represented by our bi-partisan group of sponsors in the House and Senate the support they need. That is further evidence that we, the people, have not been vocal in sufficient numbers to convince the leadership that our legislation belongs on the "must" list.

Following our account of what has been accomplished to date, we will list the things that you can and must do if we are to emerge from the political slaughter into which we have been plunged.

THE SENATE

The Bill was re-introduced on January 6th by the same bi-partisan sponsoring group as last year, with the addition of Senator Aiken of Vermont, who became deeply concerned in the legislation during the hearings of the sub-committee, of which he was a member, last year. The sponsors in the Senate now are: (* citizens starred)

Dennis Chavez, D., New Mexico
Sheridan Downey, D., California
James E. Murray, D., Montana
Robert F. Wagner, D., New York
*George D. Aiken, R., Vermont
Arthur Capper, R., Kansas
William Langer, R., North Dakota

The Bill S. 101, was referred, as last year, to the Senate Committee on Education and Labor, whose chairman now is Senator James E. Murray of Montana, (a sponsor of our bill). Mr. Murray has indicated his willingness to reappoint Senator Chavez chairman of the sub-committee to act on the bill.

THE HOUSE

In the House, unlike the Senate where any number of names can be put on one bill, regulations require the introduction of a separate bill by each sponsor. To date the following have become sponsors of our bill. (Mr. Scanlon of Pennsylvania was not returned to this Congress; new sponsors are starred)

Charles M. LaFollette, Rep. Indiana, Bill No. H. R. 481
*Charles R. Clason, Rep. Massachusetts, Bill No. to follow
*Everett M. Dirksen, Rep. Illinois, Bill No. H. R. 1575
*Joseph Clark Baldwin, Rep. New York, Bill No. H. R. 678
*Adam M. Vorys, Rep. Ohio, (joined on Bill No. H. R. 479)
William L. Dawson, Dem. Illinois, Bill No. H. R. 709
Frank E. Hook, Dem. Michigan, Bill No. H. R. 1570
*Adam C. Powell, Jr., Dem. New York, Bill No. H. R. 1745
Mrs. Helen Gahagan Douglas, D., California, Bill No. to follow

Cong. Mary T. Norton introduced a Bill which differs from ours. We very [illegible] to secure her as a co-sponsor, since Senate Republicans [illegible] the sponsorship in the House and Senate is essential to [illegible] legislation. Mrs. Norton, as you know, is a Democrat. We are [illegible] however that the House and Senate Committees will report [illegible]

[illegible] bills were all referred to the House Committee on [illegible]
[illegible] Chairman still to be [illegible] Committee [illegible]

The Next Steps

The bills introduced by our sponsors are all identical. They are the same as last year's bill, except that some minor amendments have been made as a result of valuable suggestions that were made by experts in legislative matters.

1. The bills are now in committee. The committees have both been reconstituted and lists of the new membership are enclosed. In the interest of saving time, we are asking that both the House and Senate Committees hold brief meetings and report the bills favorably as soon as possible. Remember - full hearings were held only a few months ago and the need for early enactment of our bill is even more pressing now in view of the critical manpower shortage. Your job now is:

A. Letters and telegrams from individuals; resolutions from organizations to which you belong - to the Chairman of both committees and to each member of each committee - urging that the bill be reported favorably at once.

B. Letters from individuals to their own Representatives and Senators urging that they work for early enactment of the bill.

C. Awaken public interest in the community through - radio talks, editorials, sermons, meetings, letters to the editor, etc.

2. The political stalemate must be broken. The best way to do this from the community standpoint is:

A. Hold conferences with church, civic and labor leaders to explain the situation and enlist their aid in directing public opinion toward political action. One way of doing this is to arrange conferences with political leaders in the community to urge that they convey to their Senators and Representatives the need for aggressive action on FEPC legislation.

*****

Prospects for early enactment of our bill are still good - but they now hinge on our success in mobilizing vocal support throughout the country, and doing that quickly. This Congress is especially sensitive to opinion back home because the voters were never more articulate than in this past election. However, in politics "first things come first" - and the firsts are invariably those that the voters make plain they want to be firsts.

_____

SENATE COMMITTEE ON EDUCATION AND LABOR

Democrats	Republicans
*James E. Murray, Montana (Chairman)	ROBERT M. LA FOLLETTE, JR., WISCONSIN
David I. Walsh, Mass.	Robert A. Taft, Ohio
Elbert D. Thomas, Utah	*George D. Aiken, Vermont
Claude Pepper, Florida	Joseph H. Ball, Minnesota
Allen J. Ellender, Louisiana	Forrest Donnell, Missouri
Lister Hill, Alabama	Wayne Morse, Oregon
*Dennis Chavez, New Mexico	Leverett Saltonstall, Mass.
James M. Tunnell, Delaware	H. Alexander Smith, N. J.
Joseph F. Guffey, Pennsylvania	
J. William Fulbright, Arkansas	
Olin D. Johnston, S. C.	

HOUSE COMMITTEE ON LABOR

Democrats	
Mary T. Norton, New Jersey, (Chairman)	Richard J. Welch, California
Robert Ramspeck, Georgia	Fred A. Hartley, Jr., N. J.
Jennings Randolph, West Virginia	Gerald W. Landis, Indiana
John Lesinski, Michigan	Clare E. Hoffman, Michigan
Graham A. Barden, North Carolina	*Joseph Clark Baldwin, New York
Augustine B. Kelley, Pennsylvania	Samuel K. McConnell, Jr., Pennsylvania
O. C. Fisher, Texas	Sherman Adams, New Hampshire
James H. Morrison, Louisiana	
*Frank E. Hook, Michigan	
Ellis E. Patterson, California	
James P. Geelan, Connecticut	
William J. Green, Jr., Pennsylvania	
*Adam C. Powell, Jr., New York	
Jesus T. Pinero, Puerto Rico	

*Sponsors of the Council bill.

The Twin Cities Steering Committee officers -

Co-Chairmen

Frank Boyd, 443 McKubin -

Mrs. Ruth Colby, 2103 Sylvest Ave., St. Paul

Mr. Talmadge Carey

Mrs. Lawrence Skoefel,

Clarence J. R. Nelson, Secretary

6315 St. Anthony Ave., St. Paul,

Judge Vince Day

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

REPORT TO THE NATION

National Council for a Permanent FEPC

250 F Street, N. W.
Washington 4, D. C.

VOL. III No. 4 May 22, 1943

"Yet most of all grant us brotherhood, not only for this day but for all our years--a brotherhood not of words but of acts and deeds. We are all of us children of earth--grant us that simple knowledge. If our brothers are oppressed, then we are oppressed. If they hunger, we hunger. If their freedom is taken away, our freedom is not secure. Grant us a common faith that man shall know bread and peace--that he shall know justice and righteousness, freedom and security, an equal opportunity and an equal chance to do his best, not only in our lands, but throughout the world. And in that faith let us march, toward the clean world our hands can make.

Amen"

--Extract from Prayer for the United Nations as given by President Roosevelt, June 8, 1942

One of the great accomplishments of Franklin Delano Roosevelt to be recorded in history is the creation of the President's Fair Employment Practice Committee. That the beginning be made, and the hope he raised shall come to full flower is the task to which we set ourselves. The grave claims no victory when the burden we so insistently laid down is carried forward without halting by many eager hands.

. . . . . .

PRESIDENT HARRY S. TRUMAN

Much concern has been expressed to this office regarding the attitude of President Truman toward the Fair Employment Practice bill (S.101 and H.R.2232). Our experiences with President Truman when he was Senator and Vice President are reassuring.

When the FEPC appropriation was before the Senate last June, Senator Truman was forthright in promising his support. When the vote was taken, after a prolonged and bitter fight on the floor of the Senate, Senator Truman was absent on official business, but he had taken the precaution of "tying" his vote before he left.

IN THE SENATE

The five-man subcommittee (chaired by Senator Dennis Chavez) of the Senate Committee on Education and Labor has unanimously rejected Senator Taft's bill and recommended S.101 to the Full Committee. Those supporters of the measure, who deserve a note of appreciation, are, besides Senator Chavez, Senators Joseph F. Guffey (D., Pa.), James Tunnell (D., Del.), Robert M. LaFollette (Prog., Wis.) and George D. Aiken (R., Vt.).

The leadership of Senator Chavez deserves special mention. He has given and is giving unstintingly of his time, his thought and his strength to the guidance of the bill, and often under great strain. He has worked quietly and without seeking the limelight, preferring that the bill retain its bi-partisan character instead of becoming identified with its Senate leader, who is, after all, of one party. Although he has foregone the recognition he so richly deserves, we want to take this opportunity of letting you know of the debt we owe the distinguished Senator from New Mexico.

The full Committee on Education and Labor met last Thursday to consider the bill, but failed to come to a vote. The outnumbered opposition, confined so far as our unofficial poll indicates, to its southern members and to Senator Taft, is putting up a terrific fight, and Senators Bilbo (D., Miss.) and Johnston (D., S.C.) are vociferously threatening a filibuster. Support is strong among the Republican members of the Committee, and Senator Taft may be alone in his opposition on that side of the Committee. The people of the State of Ohio who registered their opposition to Taft's toothless bill can take credit for the fact that his is not a fighting opposition, nor does he appear to be pushing his bill.

The Committee meets again on Wednesday, May 23rd, and you may know the results

DEMOCRATS

Thomas Murray, Comb.
Edwin R. Walsh, Mass.
Elbert D. Thomas, Utah
Claude Pepper, Fla.
Allen J. Ellender, La.
Lister Hill, Ala.
Charles Chavez, N.M.
Elmer M. Tunnell
Joseph F. Guffey
Olin D. Johnston, S.C.
J. Wm. Fulbright, Ark.

REPUBLICANS

Robert M. LaFollette, Jr., Wis. (Prog.)
Robert A. Taft, O.
George D. Aiken, Vt.
Joseph H. Ball, Minn.
H. Alexander Smith, N.J.
Wayne Morse, Oreg.
Forrest C. Donnell, Mo.

Committed favorably

Still in question

Watch the papers to see what happens Wednesday. If the vote is again postponed, write a letter of protest to the members of the Committee, and particularly if one is a Senator from your State.

SIGNIFICANCE OF THE SENATE

OUR BEST WASHINGTON POLITICAL ADVICE TELLS US THAT AN OPPORTUNITY EXISTS FOR PASSAGE OF THE BILL WITHIN THE NEXT FEW WEEKS ONLY IF THE ADMINISTRATION SUPPORTS IMMEDIATE ACTION IN THE SENATE. CONFIDENTIAL INFORMATION REVEALS THAT THE ADMINISTRATION HAS GIVEN THE GREEN LIGHT FOR A RULE IN THE HOUSE, BUT WE HAVE NO INDICATION OF ACTION IN THE SENATE. FROM THE VIEWPOINT OF ULTIMATE ENACTMENT OF THE BILL, SENATE ACTION IS THE ONLY THING THAT COUNTS. RUMORS PERSIST AROUND WASHINGTON THAT THE ADMINISTRATION INTENDS TO GIVE LEADERSHIP IN THE HOUSE ONLY, ALLOWING FEPC TO TAKE ITS CHANCES OF DEATH SIMILAR TO THE POLL TAX AND ANTI-LYNCHING BILLS IN THE SENATE. THERE, THEY WOULD HAVE AT LEAST HOUSE PASSAGE (AND NO LAW) TO POINT TO IN 1946 WHEN THE ENTIRE HOUSE COMES UP FOR RE-ELECTION. THE BEST EVIDENCE OF ADMINISTRATION GOOD FAITH WOULD BE A MOVE TO BRING THE SENATE BILL TO THE FLOOR FIRST.

THIS IS WHY THE NUMBER OF NAMES ON THE DISCHARGE PETITION HAS NO GENUINE IMPORTANCE AT THIS TIME. HOUSE PASSAGE IS GENERALLY CONCEDED--SENATE ACTION IS THE REAL TEST.

* * * *

? Since we sent out a call for delegations to be held ?
? in readiness for the filibuster, we have had wide- ?
? spread response. Delegations have been organized ?
? in many parts of the country, including the Deep ?
? South and the Southwest. Have you an interracial, ?
? interfaith group organized and ready to answer our ?
? emergency call? ?

THE HOUSE SITUATION

As of May 16, there were only 100 of the required signatures on the discharge petition. More and more letters and telegrams from home are essential. If a Re-

THE OPPOSITION MOUNTS

Master minds, backed by unlimited funds, have developed new and clever techniques for fighting the FEPC legislation--with such finesse as to actually jeopardize its chances of passage. The campaigns fall into four major categories:

FIRST is the race-baiting technique--the rather outmoded but still effective means of inciting antagonism and tension. In Illinois a vicious anti-Semitic leaflet is being distributed, calling for defeat of the Illinois State Bill on the grounds that it has been inspired by Jews who want to take away the jobs of the boys fighting overseas. The leaflet describes the bill as "an attempted LEGALIZED CONSPIRACY to force employers to employ JEWS AND JEW REFUGEES...KICKING MEN--[illegible] ING LESS."

Members of Congress, such as Representatives Rankin and Hoffman, disseminate the same poison in the chamber of the House. Mr. Rankin reviles "communistic representatives of another race (who) are demanding the passage of this legislation." Mr. Hoffman infers that only the Jews are supporting FEPC and denies that Jews are discriminated against. Despite the record, which he knows very well, he maintains that neither Catholics nor Protestants are "seeking the adoption of this bill".

SECOND is the businessman's technique, employed by some Chambers of Commerce that have been fighting the State FEPC's and are now aiming their guns at the Federal Bill, through their Representatives. Throughout the South, the Southern States Industrial Council is distributing inflammatory literature, calling on fellow Southerners to "preserve our rights", and calling on Southern Senators to kill the bill by filibuster.

THIRD, and perhaps the most effective, is the misrepresentation technique--the newer, more subtle approach which has succeeded in creating a good deal of misunderstanding and confusion, and may lose us support in Congress. In what is probably the cleverest congressional campaign ever waged, younger Southern Representatives who have never before been associated with the Rankin type of race-baiting and are highly thought of, have apparently been selected to wage battle on a new plane. Under the cloak of what appears to be sincere criticism of the bill, they have been unscrupulously misrepresenting its purpose and the way in which the FEPC would function, until their listeners have a graphic picture of an ogre empowered to take away every human right and liberty. Those speeches are reprinted (at great cost) and franked throughout the country.

Congressman C. C. Fisher of Sumtangold, Texas, for example, insists that the chief problem is the Negro one, and as evidence that he is unbiased he points to the fact that there are no Negroes in his district. Then he proceeds to "interpret"

[redacted]

FOURTH is the technique of the so-called "Southern White Liberal" (whose counterpart in the North, of course) who acknowledges and deplores discrimination, boasts of what he has done to better the conditions of Negroes, and makes a -tegory case for a type of "gradualism" in which FEPC legislation would be "premature" divisive influence and will retard the development of harmonious relations for years to come." This was the line of Representative Brooks Hays of Arkansas, in his recent debate with Representative Charles M. LaFollette (R. Ind.), one of the sponsors of H.R.2232.

Another, Representative Joseph W. Ervin of Charlotte, N.C., began one of his recent anti-FEPC speeches on the floor of the House by declaring: "I will assume that the sponsors of the bill are prompted by high motives...I shall speak for those who dislike the Ku Klux Klan and love tolerance, cooperation, and friendship for the alien, the naturalized citizen, the Jew and the Negro". Then he proceeded to "analyze" the bill and ended up with the conclusion that it "would create a concentration camp for all Americans".

COUNTERACTING SUCH PROPAGANDA

Enclosed is a reprint of a series of questions and answers on the bill describing what it does and does not do. This was inserted in the Congressional Record by the Chairman of the House Labor Committee, for all Congressmen to read. Additional copies are available in this office. The same questions and answers apply to the Senate version of the bill, S.101. See that these are read as widely as possible by all supporters of the bill. Use them as a basis for forum discussions, town meetings, radio broadcasts, etc.

If we do a proper informational job now, educating the public, and convincing our Representatives and Senators that we want nothing less than a real FEPC in our bills, there is little doubt it will be passed. At this point a commitment to vote for the bill is not enough--we need commitments to defend it. Even the Southern States Industrial Council admits: "It is generally conceded that perhaps the only chance to defeat this bill is through a filibuster by Southern Senators when it reaches that body".

FINANCE HAS ITS HUMAN SIDE

One of the most encouraging and interesting developments has been the amazing amount of financial support coming from Southern communities. This has been the results of local community councils organized on an interracial, interfaith basis.

First, came a check for $5,000 from New Orleans as the result of a campaign participated in by a broad cross-section of the people, Catholic and Protestant church groups, and labor unions. Then came $1,000 from Fort Worth, Texas, $1,000 from St. Louis, and $800 from Nashville.

MRS. HODGEMAN'S WEST COAST TOUR

On April 27, when Mrs. Hodgeman returned from a whirl of speaking engagements in the midwest, she took time out to attend an executive board meeting and then left for a tour of the West Coast. With her, on a volunteer basis, went Mrs. Ruth B. Lipper, former assistant to Wendell Willkie. This is just another in a long list of services which Mrs. Lipper has performed for this cause from its very inception.

After several strenuous weeks in San Francisco, Los Angeles, Portland, and Seattle, with stops in between, Mrs. Hodgeman will return East in time to appear on the New York Times Forum program the afternoon of May 29. Those of you who live in the Manhattan area will want to attend via your radio--WHAT'S ON YOUR MIND? Station WQXR--5:30 p.m.

LITERATURE

We have some new pieces of literature to help people in your community understand the objectives of the bill and how it works. By writing to us you may secure (please specify quantity):

1. Reprint from Congressional Record containing questions and answers on bill (referred to under section "Counteracting Sush Propaganda"). (Sample enclosed)

2. Reprint from Congressional Record containing recent column by Mrs. Eleanor Roosevelt on FEPC bill entitled "What Do We Learn from the Pictures of Thai Gaspar" This was inserted in the Record by Congresswoman Helen Gahagan Douglas (D., Calif.) (Sample enclosed)

3. Reprint from Congressional Record of excellent article on FEPC by Father LaFocho which originally appeared in the magazine "AMERICA", edited by Father John LaFarge. Inserted by Senator David I. Walsh (D., Mass.)

4. Reprint of article, "Prejudice--Our Postwar Battle", from LOOK Magazine. Timely warning on the effect of prejudice in the postwar period. (Will be available shortly)

ALL OF THIS LITERATURE COSTS MONEY. PLEASE PUT IT TO USE.....FINALLY, how many letters and wires have you sent your Senators and Representatives?? KEEP THEM COMING!

A VOICE TO THE NATION

National CommITT for a Permanent FEPC
930 F Street, N. W., Washington, D. C.

Vol. II, No. 7 July 15, 1946

FEPC APPROPRIATION FIGHT CONCLUDES WITH CHALLENGE

By putting the stamp of approval on continuation of the wartime FEPC, Congress has demonstrated that it is in tune with the times. Finally given an opportunity to vote on FEPC, Congress clearly indicated its support of the principle of equality in employment opportunity.

There is no doubt that the very fact that the Congress was given an opportunity to vote on FEPC at all is a signal victory for public opinion. The combined efforts of those who had been working for the Permanent FEPC, augmented by millions who were shocked by the undemocratic tactics of the opposition, were potent enough to break what at one time appeared to be a hopeless deadlock.

THE FINAL COMPROMISE, HOWEVER, IS FAR FROM SATISFACTORY. FEPC WILL NOT BE ABLE TO FUNCTION EFFECTIVELY UNLESS THE PERMANENT BILL IS ENACTED SOON. WHILE THE APPROPRIATION IS ONLY A PARTIAL VICTORY, IT DEMONSTRATES THE STRENGTH OF OUR THE REQUIRED 218 SIGNATURES TO THE PETITION IN THE HOUSE OF REPRESENTATIVES!

With only half the funds it had last year, plus the handicap of the clause which says it must terminate when these funds run out, until the Permanent Bill is enacted FEPC may expect more violators to thumb their noses at it.

Two of the leading newspapers of the nation have hit the nail squarely on the head. Following are extracts from recent editorials:

FEPC must now, at best, end its brief and curtail its activities at the very time when its effective operation is most needed to prevent job discrimination in the reconversion period. Congress cannot indefinitely dodge the vital public issue which lies behind this shoddy compromise. It now has before it legislation to establish a Fair Employment Practice Commission on a statutory basis. That legislation had been studied and debated for two long. It should be considered and reconsidered in open debate and with an open record vote, so that the American people can know where their legislators stand. WASHINGTON POST, 7/12/46.

The process by which the members of Congress have compromised their differences over the Fair Employment Practice Committee is not calculated to win public admiration for the workings of the National legislature. In all probability a clear-cut test of congressional sentiment would have revealed substantial majority support for the full appropriation asked for the temporary FEPC, and also for the permanent agency which has been proposed. Therefore, the strategy of the opponents was to defeat the measure by delay, or failing that, to force a vote on the side issue of the reduced appropriation for the temporary Committee. CHICAGO TIMES, 7/12/46.

[redacted]

It is quite apparent that we must at once redouble our efforts to get [illegible] several Representatives for the Committee and add more cosponsors to the Bill.

Letters of appreciation should go to the following Representatives. (Remember, this encouragement is most important, especially to those [illegible] stand.)

For their dogged persistence against great odds within the Appropriations Committee, the following Committee members:

John M. Coffee (D., Wash.)
Everett M. Dirksen (R. Ill.)
Frank B. Keefe (R. Wis.)
Herman P. Kopplemann (D. Conn.)
Louis Ludlow (D. Ind.)
Thomas J. O'Brien (D. Ill.)
Louis C. Rabaut (D. Mich.)
John J. Rooney (D. N.Y.)

For effective help behind the scenes: Majority Leader John McCormack and Majority Leader Joseph Martin, both of whom shared a common problem of opposition within their Party ranks.

Also especially helpful in the fight to bring the appropriation to the floor and during the actual debate were:

Joseph Clark Baldwin (R. N.Y.)
George H. Bender (R. Ohio)
Emanuel Celler (D. N.Y.)
William L. Dawson (D. Ill.)
Helen Gahagan Douglas (D. Cal.)
Frank E. Hook (D. Mich.)
Robert W. Kean (R. N.J.)
Charles M. LaFollette (R. Ind.)
Vito Marcantonio (A.L. N.Y.)
Mary T. Norton (D. N.J.)
Adam Clayton Powell (D. N.Y.)
D. Lane Powers (R. N.J.)
Edith N. Rogers (R. Mass.)
John M. Vorys (R. Ohio)

NEXT STEPS IN THE HOUSE

The House of Representatives will recess within the week, and the members will be home. THIS IS YOUR GOLDEN OPPORTUNITY, BY PERSONAL CONTACT AND CORRESPONDENCE, TO PERSUADE YOUR CONGRESSMAN TO SUPPORT H.R.3232--AND TO SIGN THE PETITION, IF HE HAS NOT ALREADY DONE SO. We need only 70 more!

If you are not already familiar with the bill, study the Report "Questions and Answers on H.R. 3232", so that you may "have all the answers". More copies are available at this office.

Please schedule all efforts to have religious, political and business leaders talk with your Representatives in support of the bill. Business leaders, particularly, should be informed of the true nature of H.R. 3232. We have indications that the local Chambers of Commerce in many sections of the country are opposed to it. This attitude is difficult to understand, since, by and large, business would benefit. Representative Everett Dirksen (R. Ill.) said in his speech for the appropriation during the debate:

"My interest in FEPC was enlivened not by some person of color or of any race against whom there was discrimination. It began with an employer in the Near East or Middle West who had promoted two people of color in his employment, not on the basis of seniority and ability, and there was a strike.

[redacted]

REPUBLICANS

Protest votes against compromise, for full appropriation:

Ferguson, Mich.
Morse, Ore.

DEMOCRATS

Myers, Pa.
O'Mahoney, Wyo.
Radcliffe, Md.
Tunnell, Del.
Wagner, Md.
Walsh, Mass.

Not voting because of absence, but for whom a favorable vote was indicated by announcements:

REPUBLICANS

Austin, Vt.
Magnuson, Wash.
Saltonstall, Mass.
Shipstead, Minn.
Willis, Ind.
Wilson, Iowa

DEMOCRATS

Briggs, No.
McCarran, Nev.
Pepper, Fla.
Taylor, Idaho
Thomas, Utah
Tydings, Md.

Not voting because of absence, but previously reported as favorable:

Brewster, Me.
Buck, Del.
Hawkes, N.J.
Hickenlooper, Iowa
Reed, Kans.
Revercomb, W. Va.
Tobey, N.H.
Capper, N.D.
Thomas, Okla.

AGAINST appropriation:

Bushfield, S.D.
Donnell, Mo.
Ferguson, Mich.*
Johnson, Calif.
Millikin, Col.
Moore, Okla.
Morse, Wash.*
Bailey, N.C.
Bankhead, Ala.
Bilbo, Miss.
Byrd, Va.
Connally, Texas
Eastland, Miss.
Ellender, La.
Fulbright, Ark.
George, Ga.
Hill, Ala.
Hoey, N.C.
Johnston, S.C.
McClellan, Ark.
McKellar, Tenn.
Maybank, S.C.
O'Daniel, Texas
Overton, La.
Russell, Ga.
Stewart, Tenn.

*Protest vote, insistent on full appropriation.

Reported AGAINST appropriation by announcement:

Robertson, Wyo.
Thomas, Idaho
Andrews, Fla.

The positions of Senators Chandler (Ky.) and Wheeler (Mont.) were unreported.

Of even greater significance were the signatures attached to the cloture petition filed by Senator Taft at 12:18 a.m., June 26. This was a vote to break finally the un-American effort to block a vote by use of the filibuster. As long as filibustering is unchallenged in the Senate by cloture (to limit debate to one hour for each Senator), then as long will the handful of Southerners in the Senate be enabled to "talk to death" any legislation distasteful to them regardless of the will of the majority of the Senate. The Senators signing the cloture petition were by no means all who were planning to vote for cloture, but for those names already recorded, special approbation is due:

	Ferguson, Mich.	Chavez, N.M.
	Gurney, S.D.	Downey, Calif.
	Langer, N.D.	Guffey, Pa.
	Morse, Ore.	Hilgore, W. Va.
	Smith, N.J.	Holbrook, Conn.
	Taft, Ohio	Mead, N.Y.
	Wherry, Neb.	Mitchell, Wash.
	White, Me.	Myers, Pa.
	Wiley, Wis.	Tunnell, Del.
	Willis, Ind.	Wagner, N. Y.
	LaFollette, Wis. (Prog.)	

The record of the Senate vote on this issue can be separated from the able leadership of Senator Chavez of New Mexico. We, the Senate itself, and the Democratic Party can take a great deal for his unswerving insistence that the Senate debate this issue in the tradition of American principles of democratic procedure. With a tenacity of purpose that would not be swept aside by the unscrupulous and [illegible] tactics of the opposition, he led the Northern and Western Democrats [illegible] a coalition with the Republicans where they stood firm until they could be [illegible].

On the Republican side, much credit is also owing. Senators Joseph Ball of [illegible], Wayne Morse of Oregon, Homer Ferguson of Michigan, and H. Alexander [illegible] of New Jersey--each played his part. Special mention is due Senator Wherry of Nebraska for his strong and able floor leadership. Styles Bridges of New [illegible] also deserves credit for his leadership as ranking minority member of [illegible] Committee in carrying a solid Republican vote in that very [illegible] Committee.

On the Democratic side, appreciation should be expressed to Senator Carl Hayden of Arizona for his defense of the appropriation both in the Appropriations Committee and as a member of the Conference Committee between the House and the Senate. For his supporting votes, both on and off the floor, special credit is due to Senators [illegible] of New York, Robert F. Wagner of New York, Joseph F. Guffey of [illegible], Theodore F. Green of Rhode Island, and Abe Murdock of Utah.

Senator Arthur Capper of Kansas, who celebrated his 80th birthday on July 14, and who is one of our honorary co-chairmen, stayed with this fight to the end, [illegible] his years. He was among those who remained on the floor during the night [illegible] filibuster until the issue of the Senator-elect was settled.

WHAT TO DO

This is an attempt to let you know the role of each of your respective Senators for, after all, they represent you. We hope you will take action accordingly. Letters of appreciation open doors and far between. Anger seems to be a [illegible] incentive to correspondence than gratefulness. Do both this time; [illegible] a gratifying battle, and we cannot over-emphasize our debt to those who [illegible] Senate flying.

REPUBLICAN AMERICAN COMMITTEE

6000 Champlain Avenue Chicago, Illinois.

R. R. CHURCH, Chairman

P-3

Vice Chairmen: Mrs. Grace Wilson Evans - Indiana; Charles W. Anderson, Jr. - Kentucky; Edwin B. Jourdain, Jr. - Illinois; Lawrence O. Payne - Ohio.
Treasurer: Edward W. Henry - Pennsylvania.
Secretary: George W. Lawrence - Illinois.
Assistant Secretaries: Mrs. Eunice Hunton Carter - New York; Henry Lincoln Johnson - District of Columbia; Miss Luna Lane - Indiana;
Chaplain: D. Albert Jackson - Tennessee.
Sergeant-at-Arms: J. Anthony Josey - Wisconsin.

* * * * * * * *

Declaration To The Republican Party

New York City, N. Y., August 24 and 25, 1945.

The Committee on Resolutions respectfully reports as follows:

In a two day meeting of the Republican American Committee, held at the Hotel Theresa in New York City, Friday and Saturday, August 24th and 25th, 1945, the following resolutions were adopted:

R E S O L U T I O N S

We, the subscribing and majority members of the policy committee of the Republican American Committee duly authorized and delegated in executive session assembled at the Hotel Theresa, Convention Room, New York City, on this date of August 24th and 25th, 1945:-

Stirred by the unsettled and critical conditions in world affairs and concerned deeply by the civic and economic problems of the minorities in general and of the fourteen million Afro-Americans in these United States in particular - which problems menace the future domestic peace and progress of all Americans and further alarmed lest the Republican Party become recreant to its cardinal principles - and thus fail its mission to again save the nation from the impending conflicts over these groups' equal rights and welfare - and thus lose the support of the American masses - do hereby petition the Republican Party to return to the hallowed principles of the founding fathers and we do recommend for its adoption the following considerations:

1. That the Republican Party both by word and deed dedicate itself anew to the creed of human liberty and equal economic opportunity for all mankind.

2. That the Republican Party, collectively and individually, pledge and perform - so far as in its power lies - the Four Freedoms - Freedom of the Press - Freedom of Religion - Freedom from Fear - Freedom from want to all the smaller nations and minorities and to all the colonial and subject peoples of the earth and especially to the numerous sons and daughters of the freedmen, liberated by the Emancipation Proclamation of the first Republican President.

3. That the Republican Party implement the accepted principles of the Atlantic Charter guaranteeing the untrammeled independence of transgressed Ethiopia - the historic homeland of the Black Race, of Hayti and Liberia and the promotion toward autonomy and self determination of all peoples inhabiting the islands, colonies and mandates of the United Nations.

4. That the Republican Party recognize without equivocation that the conditions and plights of the darker races abroad and at home, are the breeding grounds for the seeds of future discord and conflict and must be rectified speedily and completely to forestall the dreadful day of reckoning.

WHEREAS: The Republican Party has not won a presidential election since Colored citizens left the party, and if the Republican Party is ever to control the National Government again and if the leaders of the Republican Party are sincere, then its entire attitude and strategy must be completely changed as it Affects Colored citizens. They know now that the ballot is an instrument of great power that must be exchanged for social, economic and political gains, and:

WHEREAS: We, the Republican American Committee, are alarmed at the exodus of Colored electors from the ranks of the Republican Party - due to their growing convictions that the Republican Party is increasingly deserting the cause of equal rights - we do PROTEST the imposition of HAND PICKED LEADERS not of OUR own choosing by the Republican National Committee - we protest the postponement of intelligent, effective organization and operation among Colored electors until a few weeks prior to elections - and we protest the systematic exclusion of Colored Republicans from the policy forming councils of the Republican National Committee.

WHEREAS More than one million Colored American youths have served in the Armed Forces of the nation in the salvation of democracy and have made the supreme sacrifice in laying their lives upon the altar of their country, and whereas now the great victory has been won, they are returning to the arts of peace and domestic life and industry, we urge that the Republican Party demand that they be given full and equal treatment without segregation or discrimination under the G. I. Bill of Rights, under the Reconstruction Finance Corporation, under the Federal Home Owners Loan Corporation and all other Social Security Agencies, and

WHEREAS The Colored citizens now suffer from housing segregation and congestion in ghettoes and neglected sections of the towns and cities of the nation to the frightful and menacing impairment of their lives, health and welfare, and

WHEREAS the nation, states, towns and cities must now begin a general housing reconstruction program, we urge that the Republican Party demand that all these agencies of government provide equal and non-segregated housing accommodations to the Colored folk of the country, and

WHEREAS we heartily endorse, ratify and approve the efforts of our Chairman, R. R. Church, in seeking a conference with the Chairman of the Republican National Committee for the purpose of advising with him on the matters referred to in these resolutions. We regard the failure of the National Chairman to arrange such a conference as most unfortunate and ill-advised.

THEREFORE BE IT RESOLVED that the Republican Party indicate through its National Chairman to the Colored voter that he is a part of the Republican Party and that the Party's program and machinery will be geared to the recognition of the Colored citizen as a first class American citizen.

BE IT FURTHER RESOLVED that we urge the party leadership in the several states to recognize its obligation to their Colored Republican constituency whenever it has control of the machinery of government by appointment of qualified Colored Republicans of recognized party standing and loyalty.

BE IT FURTHER RESOLVED that the Republican National Committee go on record as opposing any form of discrimination or segregation on account of race, creed or color in the future building and expansion program of federal hospital facilities for veterans.

BE IT FURTHER RESOLVED THAT THE REPUBLICAN MEMBERS OF CONGRESS GIVE THEIR FULL SUPPORT OF LEGISLATION FOR FULL EMPLOYMENT.

BE IT FURTHER RESOLVED that as in expression of our faith in the principles of democracy we urge the immediate passage of a civil rights bill for the District of Columbia as a pre-requisite to its establishment as the capitol of the United Nations.

BE IT FURTHER RESOLVED that we urge the Republican National Committee and the Republican members of Congress give their unreserved support to the prompt passage of the Anti-Poll Tax and the Anti-Lynch bills now pending in Congress.

BE IT FURTHER RESOLVED that the Republican National Committee include Colored Republican Leadership, in all of its policy making councils.

BE IT FURTHER RESOLVED that the spirit of the right of self determination prevailing through the world Colored Republicans INSIST UPON CHOOSING THEIR OWN LEADERSHIP, AND HAVING SAME ACCEPTED by the Republican National Committee.

BE IT FURTHER RESOLVED that we regard the immediate passage of a permanent F.E.P.C. bill with enforcement powers as legislation of vital importance to all minority groups, and we urge the Republican members of the House of Representatives in keeping with the party's 1944 platform and campaign pledges to sign forthwith the discharge petition now pending in the House, and to vote for the ultimate passage of the bill. We likewise urge the Republican Senators to vote for cloture in the event a filibuster ensues. We further urge the Republican organizations in the various states to sponsor and work for the passage of adequate state F.E.P.C. laws with enforcement powers and to provide necessary funds to carry out its powers, patterned after the F.E.P.C. law enacted in the State of New York under the courageous leadership of Governor Thomas E. Dewey.

We urge the Republican National Committee to set forth again the party's principles in a concrete Bill of Rights and to dispatch that Bill of Rights to the Republican state, county and city committees for their guidance and adoption.

We recommend that copies of these resolutions be sent to the Chairman and all members of the Republican National Committee, the Republican members of Congress, the Republican Governors, the Republican state chairmen of the several states and the press.

We further recommend that a committee be appointed to present a copy of these resolutions to the Honorable Herbert E. Brownell, Jr., Chairman of the Republican National Committee.

We recommend that Bishop D. H. Simms and Attorney Lamar Perkins in conjunction with the general Chairman be empowered to do any and all things to bring about harmony within the ranks of Colored Republican leadership.

WE RECOMMEND THAT A LIASON COMMITTEE BE APPOINTED TO WORK WITH OTHER MINORITY GROUPS ON ALL QUESTIONS OF MUTUAL INTERESTS.

We recommend that telegrams of commendation be sent the following persons for their support of the F.E.P.C. bill:

Honorable Thomas E. Dewey, Governor of New York
Honorable William Langer, Senator from North Dakota
Honorable Wayne L. Morse, Senator from Oregon
Honorable Joseph H. Ball, Senator from Minnesota
Honorable Harold H. Burton, Senator from Ohio
Honorable George D. Aiken, Senator from Vermont
Honorable Arthur Capper, Senator from Kansas
Honorable Homer Ferguson, Senator from Michigan
Honorable Kenneth S. Wherry, Senator from Nebraska
Honorable H. Alexander Smith, Senator from New Jersey
Honorable Charles M. LaFollette, Representative from Indiana
Honorable Joseph C. Baldwin, Representative from New York
Honorable Frank B. Keefe, Representative from Wisconsin
Honorable George H. Bender, Representative from Ohio

Respectfully submitted by your Sub-Committee:

George A. Parker, Chairman,
1922 Thirteenth St. N.W.
Washington, D. C.
John Wesley Dobbs, 330 Auburn Ave., Atlanta, Georgia
Sidney E. Davis, 308 Lenox Ave., New York, N.Y.
Bishop D.H. Sims, 211 N. 53rd St., Philadelphia, Pennsylvania
Dr. A. Porter Davis, 422 Minnesota Ave., Kansas City, Kansas
Mrs. Eunice H. Carter, 409 Edgecombe Ave., New York, N.Y.
Thurman L. Dodson, Chairman Resolutions Committee,
615 F St. N.W., Washington, D.C.

(Continued)

WE APPROVE THE ABOVE STATEMENTS AND RESOLUTIONS:

Signed:

J. Anthony Josey	715 W. Somers St., Milwaukee, Wisconsin
Wm. H. Tucker	-Two Whitner Terrace, Pittsburgh, Pennsylvania
Edgar G. Brown	1717 Euclid Street, Washington, D.C.
Lamar Perkins	65 First Street, Albany, New York
Cornelius R. Richardson	240 Colonial Bldg., Richmond, Indiana
William E. King	4140 South Parkway, Chicago, Illinois
Carter L. Marshall, M.D.	198 Dixwell Avenue, New Haven, Connecticut
P.J.Clyde Randall	1008 Wylie Avenue, Pittsburgh, Pennsylvania
C. B. Powell	2340 Eighth Avenue, New York City, New York
Walter C. Robinson	1157 West Terrace Street, Chattanooga, Tennessee
John R. Francis	1924 Thirteenth Street, N.W., Washington, D.C.
George W. Harris	2370 Seventh Avenue, New York City, New York
Arthur J. Gary	388 Manhattan Avenue, New York City, New York
Scovel Richardson	4635 N. Market Street, St. Louis, Missouri
J. Mercer Burrell	23 Howard Street, Newark, New Jersey
David J. Johnson	1027 Bennett Place, Baltimore, Maryland
Elisha Scott	410 Kansas Avenue, Topeka, Kansas
James B. Morris	221½ Locust Street, Des Moines, Iowa
Mrs. Grace Bryant	2634 East Lafayette, Detroit, Michigan
Bindley C. Cyrus	417 East 47th Street, Chicago, Illinois
Edward W. Henry	758 South Martin Street, Philadelphia, Pennsylvania
L. H. Horn	321½ East Second Street, Oklahoma City, Oklahoma
Dr. J. B. Martin	412 East 47th Street, Chicago, Illinois
Alexander Barnes	1117 Peabody, Durham, North Carolina
W. C. Hueston	1721 Virginia Street, Gary, Indiana
W. Kirk Jackson	5048 First Street, N.E., Washington, D.C.
J. Leonidas Leach	3007 Industrial, Flint, Michigan
W. A. Cooper	3008 Lucas Street, St. Louis, Missouri
M. C. Atkins	4309 Indiana Avenue, Chicago, Illinois
Jay Chavis	1323 South L Street, Tacoma, Washington
R. Bentley Strather	651 East 45th Street, Los Angeles, California
T. Gillis Nutter	608½ Kanawha Street, Charleston, West Virginia
James A. Richardson	2112 Grace Street, Omaha, Nebraska
Amos White	6012 South Park, Chicago, Illinois
Lawrence O. Payne	2319 East 55th Street, Cleveland, Ohio
J. Harry Battis	18 North 36th Street, Philadelphia, Pennsylvania
Geo. W. Lee	390 Beale Avenue, Memphis, Tennessee
Fred H. Miller	Highway 61, Mound Bayou, Mississippi
Perry B. Jackson	3261 Cedarbrook Road, Cleveland, Ohio
Carlos C. Valle	81 Morningside Avenue, New York City, New York
James R. Wright	R.F.D.1, Box 203, Millville, New Jersey

The Washington Post

Registered in U. S. Patent Office.

An Independent Newspaper
(Published every day in the year.)

4 B Sunday, February 11, 1945

Shadow And Substance

Senator Robert A. Taft proposes, by a wave of his legislative wand, to transform the projected Fair Employment Practice Commission into a disembodied spirit. If it can be reduced to this innocuous state, he reckons, even "the opponents themselves should be willing to withdraw their opposition." Of course they would withdraw it. They have no objections, so far as we know, to the theory of equal opportunity. Their objection is to putting the theory into practice. This is what a genuine FEPC would be empowered to do. As conceived in the bipartisan bills now before the House Labor Committee, the FEPC would possess the authority to issue orders forbidding discrimination in employment and to turn to the Circuit Courts of the United States for enforcement in the manner of the National Labor Relations Board. Senator Taft's proposal would be an exceedingly hollow substitute for such a law.

What Senator Taft proposes amounts to nothing more than a set of regional boards to study discrimination and advise against it. That discrimination exists, and is widespread, is not to be doubted. When he introduced his bill, Mr. Taft declared that an FEPC is "justified by the fact that Negroes do not have the opportunities for employment enjoyed by white men. In many places they are the last to be employed and the first to be laid off." Since this is known, the taxpayers' money need scarcely be spent to discover it. The real need is to do something about it. And in this regard, the gentleman from Ohio has undergone a rather surprising change of mind since last fall—prior to the elections—when he concurred in the favorable report of the Senate Committee on Education and Labor on a bill to establish a permanent FEPC with full enforcement powers. Moreover, he seems to have moved far from the clear intent of his party's platform pledge—which Governor Dewey has taken concrete steps to implement at least in the State of New York.

Mr. Taft recited the now tediously familiar argument against enforcement of fair employment practices in these words: "Progress against discrimination must be made gradually and must be made by voluntary cooperation and education . . ." This is a truism. But it ignores the immense force of legislation in the educative process. When the Federal Government condones—or fails to forbid—evil practices, it lends encouragement to their growth. By making such practices illegal, it enlists the voluntary cooperation of an overwhelming majority of citizens. For most Americans accord respect to the laws enacted by Congress. And it is, at least in part, through these laws that they come to understand what course of conduct is consonant with the welfare of the society in which they live.

There is nothing more fundamental to a democratic society than equality of economic opportunity. If it cannot be absolutely guaranteed by law, it can certainly be significantly fostered. And insistence upon the observance of this equality, through vigorous governmental enforcement, is at once an impetus to and an essential concomitant of education. Nothing so effectively served to bring about the acceptance of collective bargaining in our industrial relations as the force of law. When the Government took firm steps to forbid discrimination in the Philadelphia transit situation of last summer, all but a few bigots gave their voluntary cooperation; and these few were quickly forced into line. The example set by the Government in that situation afforded more education, we dare say, than a score of pious resolutions by the senior Senator from Ohio. It is time for the Government of the United States to go unequivocally on record in support of the doctrine that all Americans have an equal right to jobs.

[redacted]

WHAT IS A FILIBUSTER?

A filibuster is a process of talking a bill to death to block a vote of the Senate. Senators opposed to the bill can relieve each other in keeping up an endless talk-fest until the bill is withdrawn, to make way for other legislation.

HOW CAN A FILIBUSTER BE BEATEN?

There are two ways:

1. Refuse to withdraw bill and let the Senators conducting the filibuster talk themselves to exhaustion.

2. Invoke cloture rule. A two-thirds vote of the Senate is required to apply the cloture rule. When the cloture rule is applied, the filibuster stops, and the bill which was filibustered can be passed by a majority vote.

WHAT YOU CAN DO TO BEAT THE FILIBUSTER

Support and encourage Senators fighting for FEPC bill by:

1. *Writing and telephoning President Harry S. Truman and Senators who are fighting for FEPC.*

2. ATTEND MADISON SQUARE GARDEN FEPC-JOBS RALLY

THURSDAY, FEBRUARY 28th

3. Get your church, trade union, fraternal society, social club and friend to buy tickets and attend the rally.

4. Take some time each day and night and distribute circulars advertising the rally.

5. Preach about FEPC to everybody you meet, wherever you are, morning, noon and night.

Remember, Congress will only move to pass FEPC when you, the people, move it by your demand in letters, telephone calls and giant demonstrations such as the Madison Square Rally.

Don't permit a little band of willful Dixie Senators to defeat the will of the American people and break down the democratic process of representative government by use of the filibuster.

Is this the democracy the Negro, Jewish, Catholic, Mexican, Japanese-American and Filipino fought and died for in Europe and the Southwest Pacific?

Vindicate the sacrifice and death of your boy, brother or father by fighting to kill this [illegible] nefarious disgrace AND DANGER: The Filibuster Against FEPC.

Be it known that the right to work is the God-given right of every human being—regardless of color, creed or country, and it must be guaranteed by our American Democracy.

Sincerely,

A. PHILIP RANDOLPH

Co-Chairman, New York Committee
For Passage F. E. P. C.

Get your ticket today for FEPC Rally at Madison Square Garden, February 28, 1946

RALLY

TO THE

F.E.P.C.

FAIR EMPLOYMENT PRACTICES COMMITTEE

Madison Square Garden

Eighth Avenue at 50th Street

Thursday, February 28th, 1946

7:30 P.M.

Doors Open at 7:00 P.M.

SPEAKERS

SENATOR WAYNE MORSE

SENATOR ROBERT F. WAGNER

LEWIS J. SCHWELLENBACH
Secretary, Department of Labor

A. PHILIP RANDOLPH
International President, B. S. C. P.

JAMES B. CAREY
Secy., Congress of Industrial Organizations

WILLIAM GREEN
President, American Federation of Labor

REV. ALLEN KNIGHT CHALMERS
Pastor, Broadway Tabernacle

FIORELLO H. LA GUARDIA

LESTER GRANGER
National Urban League

RABBI WILLIAM F. ROSENBLUM

ROY WILKINS
Editor, Crisis, N.A.A.C.P.

STARS OF STAGE, SCREEN AND RADIO

HELEN HAYES

CANADA LEE

MURIEL RAHN

JOHN CARRADINE

KATHERINE DUNHAM

JANE WHITE

FRIEDA LOUISE ANDREWS
Directress

1,000 Voice Choir

AND OTHERS

Tickets - - 60c, $1.20, $1.80, $2.40

New York Council for a Permanent FEPC — 242 East 14th Street, New York 3, N. Y.

NC-FEPC
NY Council

The Right to Work is the Right to Live

F.E.P.C.

MADISON SQUARE GARDEN

FEBRUARY 28, 1946

NEW YORK COUNCIL FOR A PERMANENT F.E.P.C.

ELEANOR ROOSEVELT — LILLIAN SMITH

HONORARY CHAIRMEN

242 EAST 14TH STREET
NEW YORK 3, N. Y.

F. E. P. C. DAY

Program

LUCKY MILLINDER AND HIS BAND

MAX DELSON, *Chairman*

Star Spangled Banner.....Muriel Rahn, soloist
Invocation.....Dr. Allan K. Chalmers
Dr. George K. Hunton.....Secretary, Catholic Inter-Racial Council
Rabbi William J. Rosenblum
Roy Wilkins.....Editor of *The Crisis*—National Association for Advancement of Colored People
William Green.....President, A. F. of L.
James B. Carey.....Secretary-Treasurer, C.I.O.
Milton P. Webster.....Chairman, International Executive Board, Brotherhood of Sleeping Car Porters
Hon. Lewis B. Schwellenbach.....Secretary of Labor

Frieda Louise Andrews' Choir

Judge Charles Solomon.....Vice Chairman, Jewish Labor Committee
Rev. S. D. Hardge
Senator Wayne Morse
Lester B. Granger.....Executive Secretary, National Urban League
Mrs. Eleanor Roosevelt
Hon. Fiorello H. LaGuardia
Senator Dennis Chavez

Frieda Louise Andrews' Choir....."Lift Every Voice and Sing"

A. Philip Randolph..President, Brotherhood of Sleeping Car Porters—and Chairman, March-on-Washington Movement
Orson Welles
Roger N. Baldwin.....American Civil Liberties Union
Helen Hayes

Benediction.....Rev. B. S. Dent

DRAMATIC PRESENTATION

Helen Hayes	Katherine Dunham	Jonathan Harris
Canada Lee	Jane White	Louise Larabee
John Carradine	Morton L. Stevens	Barton Stone
Paton Price	Harry Kuwada	Elizabeth Holmes

Authors: Richard E. Forrest, Edward Wahl
Director: William Richardson

PRODUCTION STAFF

Robert Delson, *Chairman*

Marcella Powers, Murray Burnett
Edward Diamond, Alvin Boretz

SPONSORS OF MADISON SQUARE GARDEN RALLY
Thursday Evening, February 28

Honorary Chairmen:

MRS. ELEANOR ROOSEVELT — MISS LILLIAN SMITH

Rev Dr. Charles Breck Ackley
Rev. James B. Adams
Bernard Ades
Rev. Alfred S. Almatsu
Francis O. Affeld, Jr.
Canon Theo. J. Alcantara
Dean Alfange
Benjamin Algase
Devere Allen
James Egert Allen
Joseph O. Allina
Jack Altman
Hon. William T. Andrews
Dr. and Mrs. Zhivko Angeluscheff
Dr. Ruth Nanda Anshen
Luigi Antonini
Peter Aoki
Arnold S. Askin
Harry Avrutin
Lesem Bach
Harry Baker
Rev. DeWit C. Baldwin
Roger N. Baldwin
Joyce Balokovic
Isabel Black Barmore
Prof. A. J. Barnouw
Rev. Lee V. Barker
Basil N. Bass
Carolyn H. Bassett
Dr. Leona Baumgartner
A. A. Baum
Rev. Frank P. Beal
Mrs. George L. Beer
Rev. Harry B. Belcher
Nelson Bengston
Mrs. Clarissa Brotis
William Rose Benet
Dr. John C. Bennett
Rev. Benjamin C. Bentley
Gue de Berg
Sam Berger
Milton M. Bergerman
Eleanor Davidson Berman
Edward L. Bernays
Leonard Henly Bernheim
Louis Bernstein
Charles A. Birmingham
L. M. Birkhead
Dr. K. A. Bishara
Rev. Shelton Hale Bishop
Dr. Algernon D. Black
Rev. John H. Blackledge
Rev. H. F. Blanchot
Paul Blanshard
Bruce Bliven
S. J. Bloomingdale
Margaret Blossom
Theodore Blum
Dr. E. M. Bluestone
Sidney Blumenthal
Rev. Theodore C. Bobilin
William E. Bohn
Rev. William G. Boomhower
Louis Boehm
Rev. Austin Bosch
Mrs. Sidney C. Borg
O. H. Bosley
Louis Boudin
William Bowe
Rev. Clarence E. Boyer
Morris Brenner
J. Breslaw
Dr. A. J. Brill
Rev. Burns Brodhead
Mrs. Pauline Brody
Dorothy Dunbar Bromley
Rev. Marcel J. Broomes
Colden Brown
Mrs. Margaret V. Brown
Samuel A. Browne
Henrietta Buckmaster
Douglas Bush
John A. Buttrick
Hon. John A. Byrnes

Dr. Maurice S. Calman
Margaret W. Cammann
Harold I. Cammet
Dr. and Mrs. George D. Cannon
C. Alexander Capron
Rev. Eugene C.Carder
John Archer Carter
Rev. M. C. Carpentier
Charlotte Carr
Rev. W. H. B. Carney
Mrs. A. K. Chalmers
Rev. J. Russell Chandler
Rev. C. K. Chappelle
Abram Chasins
Dorothy Chertak
Dr. John Childs
Richard S. Childs
Dr. May Chinn
Agnes B. Chrekjian
Rev. Karl M. Chworowsky
Alma Clayburgh
Mrs. Gertrude Clayton
Rev. Horace E. Clute
Jules Cohen
Max Cohen
Eleanor G. Colt
McAlister Coleman
Charles A. Collier, Jr.
J. H. Cohen
Mrs. Marie Chase Cole
William Collins
George B. Corwin
Julien Cornell
Norman Corwin
Rev. David M. Cory
Thomas L. Cotton
Mr. and Mrs. Henry K. Craft
Rev. George A. Crapullo
Paul Crosbie
Frank Crosswaithe
Rev. John M. Currie
Mrs. F. Kingsbury Curtis
Rev. F. A. C. Dalrymple
Mr. and Mrs. Winston Dancis
Leigh Danenberg
Chaplain John S. Daniel
Prof. Henry David
Dr. Leo M. Davidoff
Ben Davidson
Hon. Irwin D. Davidson
Dr. W. Davidson
Rev. George N. Davis
Charles Davis
Mrs. Natalie Davis
Mrs. Kaye de Bermingham
Robert Delson
Clarence De Hart
Baroness de Hueck
Rev. Boise S. Dent
George B. DeSilver
John Dewey
Bertha Diggs
Rev. Carmelo Di Lano
Lester Dix
Rev. A. Nelson Doak
Witherspoon Dodge
Rec. Carroll A. Doggett, Jr.
Francis Donaldson
Willie Mae Tanner Donavant
Rev. I. V. Downes
Mary E. Dreier
Rachel Davis-DuBois
Rev. John Wade Dubocq
Rev. John F. Duffy, Jr.
Stephen Duggan
Mr. and Mrs. Huntley Dupre
Louis Dworkin
Irwin Edman
Dr. J. Earle Edwards
Edo A. Edwards
Prof. Albert Einstein
Rev. S. T. Eldridge
Mrs. Elsie Elfenbein
Mr. and Mrs. M. Elser, Jr.

Mrs. Kendall Emerson
Irving M. Engel
Rev. Charles England
J. R. Elyacher
Henry Epstein
Herman Epstein
Lionel M. Ertlinger
Sam. B. Eubanks
Rev. G. Daniel Evans
Prof. Henry Pratt Fairchild
M. Feldman
Rev. I. E. Fells
Irving Fellerman
Rev. Judson E. Fiebinger
William O. Field, Jr.
John F. Finerty
Rev. J. Franklin Fisher, Jr.
Dorothy Canfield Fisher
Prof. Irving Fisher
H. L. Fishel
George Fleming
Rev. Diego Flores
Rev. George W. Forell
Dr. Harry Emerson Fosdick
Larry Foster
Joseph Fox
Clarence Francis
Dr. C. L. Franklin
Rev. Guy H. Fraser
Zachary L. Freedman
Prof. Edward Fuhlbruegge
Alfred Funabushi
Rev. Randolph Gall
Dr. Roma Gans
Henry Gans
Rev. Charles S. Geiger
Martin Gerber
Bishop Charles K. Gilbert
Rev. R. M. Giles
Mrs. H. van K. Gillmore
Rev. William Gillespie
Mrs. Eleanor S. Gimbel
Norman E. Goetz
August Gold
Samuel H. Goldenson
Mr. and Mrs. Robert H. Goldman
Arthur J. Goldsmith
Morton R. Goldsmith
Dr. Sidney E. Goldstein
Dr. A. S. Gordan
Romas S. Gorski
Dean Eleanor H. Grady
Lester B. Granger
Jack Greenbaum
Harry L. Greenberg
Samuel Greenberg
Peter Greig
Rev. William Grime
Dr. Benjamin C. Gruenberg
Rev. P. L. Hailey
Rev. John J. Hamilton
Rev. H. M. Hancock
Rev. A. V. Harbin, Jr.
Rev. W. S. Harrigan
Rev. Charles U. Harris
Rev. C. E. Harrison
Rev. T. S. Harton
Charles R. A. Hartig
Rev. Hartley J. Hartman
Rev. Thomas Haslam
Rev. L. H. R. Hoss
Rev. Charles Havens, Jr.
Rev. Edler G. Hawkins
Helen Hayes
William H. Hayes
Charles Hecht
Jacob J. Heller
Phil Heller
George S. Hellman
Rev. Roscoe C. Henderson
Rev. Roy J. Hendricks
Sidney Hertzberg
Mrs. Emil G. Herzfeld
E. Herzfeld

James M. Herzfeld
Mrs. Alfred F. Hess
Moses D. Heyman
Rev. Hocatio Seymour Hill
Rev. O. Blakely Hill
Joseph S. Hinden
Dr. B. M. Hinkle
Rev. George W. Hinton
Hortense M. Hirsch
I. A. Hirschman
Mary Hoagland
Frank S. Hogan
Carl Holderman
Libby Holman
John Haynes Holmes
Rev. A. E. Holst
Rev. George C. Hood
Rev. J. W. Houck
Rev. W. Eugene Houston
Bishop J. K. Humphrey
George C. Hunton
Mrs. Ruby Hurley
Sol Hurok
Fanny Hurst
Rev. Frank H. Hutchins
Dr. Theodore Inge
Marion C. Ingersoll
Stanley N. Isaacs
Fred J. Isaacson
Ina Jacklyn
Helen Jackson
Rev. James Jackson
Percival E. Jackson
Sam Jaffe
Marvin M. Jager
Rev. William M. James
Sidney Janis
M. J. Jessell
M. J. Jessell
Eardlie John
Prof. Alvin F. Johnson
Rev. C. Asapansa-Johnson
Rev. John Johnson
Elder W. M. Johnson
Rev. W. P. Johnson
Rev. Jonald Johnston
Barbara Jones
Rev. Philip E. Jones
Rufus M. Jones
Reuel Jordan
Benjamin Kaplan
Frank E. Karelsen, Jr.
Frederick L. Katz
Dorothy Kenyon
Paul J. Kern
Rev. Luther W. King
Freda Kirchwey
Rev. H. Burnham Kirkland, Jr.
Rev. Stephen L. Kiser
Oswald Knauth
Rev. Leon V. Kofod
Nathan B. Kogan
Samuel S. Kohn
Jack Kranis
S. Stanley Kreutzer
Dr. Jacques Kroner
Minette S. Kuhn
Rev. John LaFarge, S.J.
F. H. LaGuardia
Arthur Harold Land
Roger Larkin
Rev. John Howland Lathrop
Rev. Robert S. L. Lawrence
Bishop Robert Lawson
Rev. Walter T. Lawton
Albert D. Lasker
Florina Lasker
William Lazarus
Lewis E. Lawes
Mrs. Annette Smith Lawrence
Harry R. Lea
Mrs. Helen Lea
Canada Lee
Herbert H. Lehman

Dr. Philip R. Lehrman
Rev. Harold C. Letts
Harry A. Leibler
Samuel D. Leidesdorf
Jackson Leighter
Dr. Ralph Lerner
Max Levin
Israel H. Levinthal
Eli Bennett Levy
Alfred Baker Lewis
Father Lightfoot
Leo J. Lindau
Bishop S. Harrington Littell
D. H. Litter
Rev. M. F. Logsdon
Dr. Herman Lorber
Rev. B. J. Lowry
Clarence H. Low
Ralph E. Lum
Rev. Edward D. McGowan
The Rev. Elmore M. McKee
Rev. George C. McKiernan
B. F. McLaurin
Rev. J. Allison MacRae
Mrs. Mary Ann McTavish
Dwight Macdonald
William M. Maliaff
Philip S. Manne
Phillip S. Massee
David Mannes
Samuel Marino
Irving J. W. Marx
Asa Mather
Dr. and Mrs. Leo Meyer
Irving W. Mayland
Rev. John A. F. Maynard
William D. Max
Rev. O. C. Maxwell
Rev. William H. Mellish
J. A. Melnick
William Menevich
Morris Milgram
Herbert Miller
Dr. J. Quinter Miller
Dr. Louis Miller
Rev. William R. Miller
Carl Monaco
Rev. John C. Montgomery
Henry Monsky
Isabel S. Moore
Jacob Moscowitz
George Moskowitz
Rev. David Moss
Rev. George Mosby
Belle K. Milstead
William L. Munger
Dr. and Mrs. Peter M. Murray
Louis Nelson
David Nemerov
Joseph Neslender
Henry Neumann
Thomas F. Nevins
Dr. Reinhold Niebuhr
Mrs. Dorothy Norman
Rev. Nicola Noter
Rev. Henry A. Oldale
Dr. B. S. Oppenheimer
Rev. Richard J. Ostling
A. Louis Overman
Bishop G. Bromley Oxnam
Pierre van Paassen
David Paine
Mrs. William S. Paley
Judge Jacob Panken
Ezra Parrott
C. G. Paulding
Rev. John H. Perry
Rev. Timothy V. Peshkoff
Rev. Albert R. Phillips
Donelan J. Phillips
Harold M. Phillips
Rev. Nicholas Pidhorecky
Leopold Pilser
Hon. Justine Wise Polier
Charles Poletti
Archie Poole
R. de Sola Pool
Robert L. Popper
Marquese Regis de Franchimont Porcelli
Irving Potash
C. B. Powell
Rev. Horace del Perez
Evelyn Preston
Mrs. William Prince
Rev. Forrest R. Priadle
G. D. Procopio
H. S. Pudor
Rev. John H. S. Putnam
Mrs. Helen Rasbach
Mrs. Luciole Randolph
Rev. Sheldon Rehn
Rev. Mebane Ramsay
Rev. Alfred E. Randall
Edith Ransom
The Rev. Alfred H. Rapp
Dr. Sandy Ray
Walter G. Reuthof
Dr. Brocha Reis Reichel
Jonas Reiner
Stanley H. Renton
Luigi Rey
Mrs. Maude R. Richardson
John A. Ritchie
Rev. Daniel Rinaldi
Rev. Paul W. Risholl
Charles W. Rivise
Elder E. W. Roberts
Rolling L. Robertson
Rev. Benjamin C. Robeson
Rev. Alpheus C. Robbins
Rev. James H. Robinson
Rev. Shelby Rooks
Nathan R. Rogers
Dr. A. J. Rongy
Alex Rose
Jesse L. Rosenberg
Joseph R. Rosenberg
Kurt F. Rosenberg
Milton Rosenberg
Mitchell L. Rosenson
Mitchell L. Rosenson
C. R. Rosenthal
Morris S. Rosenthal
Mrs. Emory Ross
Rev. Jesse Wayman Rourke
Rev. Ralph Rowse
Charles H. Russell
Cesar Saerchinger
J. K. Safrin
Helen Sahler
Irving Salert
Norman Salit
Ewald Sandner
Rev. John W. Saunders
A. Saphir
Erwin H. Savelson
Richard B. Scandrett, Jr.
M. Schachter
H. Schaeffer
Dr. Samuel B. Schenck
Dr. Paul Scharer
Harry Scherman
Rev. Ottairo Schiavoni
Jacob R. Schiff
Bernard Schildkrout
William B. Schiller
Joseph Schlossberg
Rose Schneiderman
Rev. George F. Schnid
Dave Schoenfeld
Arthur D. Schulte
Rev. Henry M. Schumann
Dr. Paul Schwarz
Rev. A. L. Scott
Rev. Marshal L. Scott
George J. Seedman
Rev. Joseph F. Sell
Nathan H. Seidman
Abraham Shapiro
Vincent Sheean
Rev. Everitt E. Sheldon
Max Shelvy
Dr. J. B. Shohan
Samuel Shore
Rev. H. Norman Sibley
David Sigman
Dr. A. C. J. Simard
Dr. George Albert Simons
The Rev. George S. Study
Herbert M. Siegler
Mrs. Clara Singleton
Sidney H. Skidell
Lawrence A. Sleeinger
Madison Smith
Rev. Lary B. Small
Rev. Alson J. Smith
Rev. Moses T. Smith
Leopold J. Snelder
Mrs. Muriel Snowden
Abraham Snyder
Rev. G. Franklin Snyder
Roy Soden
Rev. C. E. Souter
Mark Starr
Donald Stephens
Sol Stetin
Rev. C. W. Stewart
Maxwell S. Stewart
Marcel H. Stieglitz
Mrs. Ernest G. Stillman
Wolfgang Stresemann
Joseph Strouck
Ed Sullivan
Rev. S. H. Sweeney
Dr. Arthur Swift
Dr. G. Takaro
Rev. W. E. Tamberre
Mary E. Tarcher
Rev. J. W. Tate
Harold Taylor
Sidney S. Tedeschie
Isidore Teitelbaum
Dr. Joseph Tenenbaum
Baronl Tot Eyck
Maceo A. Thomas
Norman Thomas
Dr. Clara Thompson
Joseph C. Thomson
Rev. Norris L. Tibbetts
Howard L. Tiger
The Rev. Joseph H. Titus
Channing Tobias
Richard H. Tooplitz
Alexander Trachtenberg
Frank Traeger
Dr. Arch Tremayne
Mae Turman
J. Tuvim
Frederick Ullman, Jr.
Jean Starr Untermeyer
Harry Uviller
Andrew J. Valuchek
Dr. R. Vambery
Rev. Elbert W. Van Aken
Mark Van Doren
Rev. John A. Van Dyk
Mary Van Kleeck
Donald D. Van Slyke
Rev. William H. Vastine
Mattie Veal
Rev. Gustave Verdesi
Rev. Daniel G. Vervey
Charles V. Vickrey
Helen Gill Viljoen
Oswald Garrison Villard
Rev. J. Francis Voight
Rev. Jacob B. Wagner
Edward Wahl
Rev. Henry J. Wahl
Rev. Lawrence C. Wallace
Anna Strunsky Walling
Theodore Walser
J. Raymond Walsh
Janet B. Walter
Noah C. A. Walter, Jr.
Rev. R. E. Walther
Phyllis Warburg
Prof. Henry Ward
Rev. C. M. Washington
Prof. Goodwin Watson
Frances R. Weigand
Gregory Weinstein
Robert F. Weishotten
Louis B. Weiss
K. B. Weissman
Robert M. Werblow
Rev. Viggo Westergaard
Mrs. H. J. Whigham
Walter White
W. L. White
Rev. Wayne White
Catherine Whittemore
Julius I. Wile
Pearl L. Willen
E. E. Williams
Mrs. Ethel Williams
Mrs. Lillian Williams
Seymour J. Wilner
Rev. Albert Hughes Wilson, Sr.
Rev. George Wilson
Rev. W. E. Wilson
Rev. E. M. Winborne
James Waterman Wise
Dr. Stephen S. Wise
Samuel Wolchok
Bertram D. Wolfe
Dr. A. Wolfson
Dr. Theresa Wolfson
William Wolpert
Rev. H. E. Womack
John Woodburn
Alfred Yankauer
Mrs. V. A. Yakhontoff
Rev. Ernest A. Yarrow
Jobu Yasumura
Thomas G. Young

SPONSORING ORGANIZATIONS

American Guild of Variety Artists
American Jewish Committee
American Jewish Congress
Anti-Defamation League of B'nai Brith
Association of Reformed Rabbis
Brooklyn Catholic Interracial Council
Brooklyn Church & Mission Federation
Brooklyn Jewish Community Council
Brotherhood of Sleeping Car Porters
Cafeteria Workers, A F of L, Local 302
Catholic Interracial Council
Central Trades & Labor Council
Fellowship of Reconciliation
Hat, Cap & Millinery Workers Union
Harlem Christian Youth Council
International Ladies Garment Workers Union
Japanese American Citizens' League
Jewish Labor Committee
Jewish War Veterans
League for Industrial Democracy
Liberal Party
March on Washington Movement
Modern Trend
National Association for the Advancement of Colored People
National Association of Letter Carriers
National Community Relations Advisory Council
National Conference of Christians and Jews
National Council of Jewish Women
National Interracial Association
National Labor Service
National Urban League
New Jersey CIO Council
New York Joint Board, Textile Workers Union of America, CIO
Post-War World Council
Union for Democratic Action
Socialist Party
United Retail, Wholesale & Department Store Employees, CIO
United States Student Assembly
Veterans League of America
Workmen's Circle
Workers' Defense League
Young Women's Christian Ass'n, 137 St. Branch

EXECUTIVE COMMITTEE

Max Delson — Reuel Jordan — Benjamin F. McLaurin
Morris Milgram — Aldrich Turner

STAFF

Maida Springer, Executive Secretary
Bill Sutherland, Assistant Executive Secretary
Jesse Cavileer, Church and Youth Secretary
Edward Wahl, Labor Secretary
James Farmer, Speakers Bureau
Mary W. Hillyer, Coordinator

Staff Assistants

Vivian Odems — Mary Beatovic
Doris Gallimore

FAIR EMPLOYMENT LEGISLATION
IN
NEW YORK STATE

Its History, Development, and Suggested Use Elsewhere

FAIR EMPLOYMENT LEGISLATION IN NEW YORK STATE

Its History, Development, and Suggested Use Elsewhere

CONTENTS

Foreword by Honorable Irving M. Ives 3

Statement by the Editors 4

I. Short History of New York State Legislation and Commissions on Discrimination 6

II. The Development of the Legislative Proposals of the New York State Temporary Commission Against Discrimination 9

III. The Legislative Proposals Become Law 12

IV. An Analysis of Opinions Offered for and Against the Legislation 15

V. New York State Law Against Discrimination Enacted 36

VI. Two Recent United States Supreme Court Decisions Forbidding Labor Unions from Discriminating Against Workers Solely on the Basis of Race, Color, or Creed 42

VII. Bibliography 44

VIII. Suggested Reading Material 45

IX. Notes 47

PRICE, FIFTY CENTS PER COPY
Quantity Rates to Organizations

Association Press — New York — 1946

FOREWORD

No question of human rights or of industrial and labor relations today is more significant for the general welfare of all the people than that of discrimination in employment. The protection of civil rights guaranteed by our Federal and State constitutions related in their original meaning and purpose, legal as well as popular, primarily to political rights such as the guarantees of universal suffrage and against slavery.

Although we may not have achieved a final acceptance of these and similar guarantees in practice, we have made progressively effective efforts to apply them universally and impartially. We have not yet extended them so universally or impartially in economic and social relations.

The evolution of our economic and social life in America over the past century and a half has broadened popular conceptions of the scope and objectives of our Bills of Rights. Industry has continually penetrated more pervasively into the everyday life of a larger and larger proportion of the people. Today, it affects not only their material well-being through improving our technological resources, but also their economic and social security through their increasing dependence upon the industrial system for a livelihood.

The response of the people to the industrial discipline of the machine age has been to recognize more widely the relevance of the ancient guarantees included in our Bills of Rights to the economic and social, as well as to the political, rights of men and women. The action of New York State in 1945 in extending the principles of its Bill of Rights to discrimination in employment marked the first step in an inevitable direction of popular action in this country as to what is perhaps the most immediate and vital aspect of civil rights.

This presentation of the record of New York State's experience in formulating public policy tells the story of the first state to take positive action to apply the principles of its Bill of Rights to a dynamic area of economic and social life. It will serve, I trust, also to give encouragement to all men and women of good will in their continuing effort to achieve a similar advance in civil rights in their own states and through the national government.

The record shows clearly that the people can act, if they will, to promote the general welfare and the continuing improvement of the democratic way of life.

Irving M. Ives

August, 1946

Up-to-the-minute information about the experience of New York State in administering fair employment legislation may be had from the State Commission Against Discrimination, 124 E. 28th St., New York, N. Y.

A STATEMENT BY THE EDITORS

The enactment in New York State in 1945 of the first statute in this country against discrimination in employment marked a significant step in the expression of American ideas on the meaning of human rights. The new legislation represented more, however, than the precise implementation of what a majority of the residents of New York State, who constitute one-tenth of the American people, had accepted as a civil right of all the people. Its legislative history included a widespread popular review of the issues and an almost unprecedented outpouring of public opinion on the principles of the proposed bills, which processes and results are highly significant for the future of democratic government.

The legislative process is the most critical test of the capacity of a people for self-government and in this instance represented the dynamic expression of the majority will. To the extent that people learn to act effectively in translating their purposes into public policy, democracy becomes a workable formula of popular government. The people can act most directly through their representatives in local, state, and national legislatures. If the interest of the people in public policy atrophies, those to whom our legislators are responsible do not wield the power with which they are endowed by the democratic framework of government. Then, not only does public policy become irresponsible, but democracy itself is in jeopardy.

The record of the enactment of the antidiscrimination legislation in New York State in 1945 is a deeply encouraging evidence that, when the people are aware of the issues, they can make their will felt through representatives of their own choosing. That result is important to the vitality of the democratic process in two ways.

The principle of the legislation is one which the people of this and every other state and nation must face, inescapably and persistently, in the years ahead. What was achieved in New York State, in drafting principle into law, is itself an important signpost pointing forward on the road toward a more democratic way of life.

Witness how the drafting was done, how the citizens of New York State made their opinion felt, how they participated in the actual process of legislation. This was by no means a minor episode in government of, by, and for the people. The history of the enactment of this legislation is one of the most signal and potent refutations of the many cynical arguments that democracy will not work.

It is because we are convinced that the story of this record holds a profound meaning for our time, far beyond the statutes themselves or beyond the borders of New York State, that we have thought it worth while to portray it. This brief account attempts to present the background of the 1945 legislation against discrimination in employment, to trace its evolution

and improvement through public discussion, and to summarize the arguments for and against its principles. This record of democratic action in New York State for the enactment of legislation in support of public policy is one from which, it is believed, citizens in other states may draw both insight and encouragement.

One further word may be said on the preparation of this pamphlet. The group which has provided for its publication (from different racial, religious, and occupational backgrounds) agreed spontaneously that this record deserved the widest possible dissemination. We enlisted the services of Mr. Joseph A. Borome for the indispensable research into the documentary sources and in preparing a preliminary draft of the materials. To him, we are grateful for his painstaking and thorough documentation and analysis. We have individually contributed in various ways to the final draft which carries our unanimous approval. We hope that the record here presented will prove useful to many whose interest in a durable democracy is not less than our own.

Phillips Bradley
Harry Carman
Bernard Gittelson
Roderick Stephens
Abraham Wilson

I.

A SHORT HISTORY OF NEW YORK STATE LEGISLATION AND THE STATE COMMISSIONS ON DISCRIMINATION

The first law to prohibit discrimination in general employment was enacted by New York State on March 5, 1945 (Ives-Quinn Law)[1]. Although the first statute to deal comprehensively with the problem, it was not the first legislation in New York dealing with discrimination.

In 1909, the state forbade discrimination because of race, creed, or color in jury service, in the right to practice law, in admission to the public schools, and in places of public accommodation, resort, or amusement[2]. In 1913, it forbade discrimination as between white and colored persons in insurance rates and benefits[3]. In 1918, discrimination because of race, color, or creed in any public employment or in any accommodation by innkeepers, common carriers, or operators of amusement places, or by teachers or officers in public institutions of learning, or by cemetery associations, was forbidden[4].

In 1932 and 1933, respectively, the state forbade inquiry concerning the religion or the religious affiliation of any person seeking employment or an official position in the public schools, and also prohibited discrimination in employment by utility companies on account of race, color, or religion[5]. In 1935, public works contracts which did not contain a clause against discrimination in employment because of race or color were forbidden, as was tax exemption for any educational corporation or association which attempted to establish its character as nonsectarian but denied its facilities to any person because of race, color, or religion[6].

An awareness of the different conditions existing among the Negroes in the state prompted the creation by the Legislature on June 3, 1937, of a Temporary Commission on the Condition of the Urban Colored Population[7]. The commission was directed to examine the economic, cultural, health, and living conditions of the urban colored population and to recommend measures, including amendments and revisions to the laws, deemed necessary to improve their conditions.

During the State Constitutional Convention of 1938, the following guarantee was written into the Bill of Rights[8]:

> No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed, or religion, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state.

An examination of the debates in the convention indicates that the right thus guaranteed was chiefly conceived as the right to equal opportunity in

---

[1]See notes on p. 46.

the field of employment, unqualified and unrestricted by racial or religious discriminations[9]. In the same year, the Temporary Commission on the Condition of the Urban Colored Population published its report, which so demonstrated the need for further examination of the subject that the Legislature extended the commission's life for an additional year[10].

In 1939, the state forbade discrimination on account of race, color, or creed in the civil service, and made provision for the enforcement of this prohibition by the State Civil Service Commission[11]. It likewise prohibited any discrimination because of race, color, creed, or religion in public housing[12]. During the same year, the Temporary Commission on the Condition of the Urban Colored Population released its second report, which contained valuable material and made suggestions for legislation to remedy some of the inequalities found in the state[13]. Of the proposed bills two were enacted into law, one forbidding discrimination in the civil service (previously mentioned), the other enlarging the definition of places of public accommodation, resort, or amusement[14].

In 1940, the Legislature prohibited the denial of membership or equal treatment by labor organizations to persons because of race, color, or creed, and also the deprivation of public or work relief because of any such discrimination[15].

In 1941, by an act of the Legislature, the New York State Council of Defense, created August 1, 1940, by the Governor, was made a statutory agency[16]. Its general purpose was to aid the war effort by further plans for mobilizing and coordinating the resources and facilities of the state for defense. Because he had been continually receiving evidence of discrimination against various minority groups in their efforts to find employment and contribute their skills to the national defense, Governor Herbert H. Lehman, on March 29, 1941, appointed a Committee on Discrimination in Employment as a sub-committee of the Council of Defense. The committee was charged with considering how to deal with the problem of discrimination in employment on defense contracts. It was also directed to propose how to promote public support for the general principle of nondiscrimination in employment, and how to enforce more effectively the existing laws in this field. The committee was also requested to recommend such additional legislation as it deemed necessary[17].

The committee initiated a public relations campaign to acquaint the public with the necessity for and the desirability of ending discriminatory practices. Accordingly, it sponsored radio broadcasts; it developed contacts with interested organizations; it published pamphlets and issued press releases. The committee sought and received the endorsement of thousands of industrial, civic, religious, and government leaders in its campaign against discrimination in employment during a three-day state-wide observance of "National Defense Through Democratic Practice" (December 5 to December 7, 1941).

In the same year, a law was enacted prohibiting any offense against Article I, Section 11 of the state constitution and making such an offense a

misdemeanor[18]. Another law was also enacted prohibiting any industry involved in defense contracts from discriminating in employment because of race, color, creed, or national origin[19].

On May 1, 1942, the New York State Council of Defense became the New York State War Council[20]. Under its direction, the Committee on Discrimination in Employment continued its investigations of discrimination in war industries. By persuasion and conciliation, and by hearings before the Industrial Commissioner, who was then chairman of the committee, over 95 per cent of its more than one thousand cases were satisfactorily adjusted[21]. At the end of the year, the committee issued a pamphlet, *How Management Can Integrate Negroes in War Industries*[22], which presented many of the specific problems met by management in introducing Negroes into war industries and offered methods actually used by various industries for their solution. Between January, 1942, and December, 1944, more than 30,000 copies were distributed throughout the country. On May 6, 1942, the Legislature empowered the Industrial Commissioner to enforce the provisions of certain sections of the Civil Rights Law dealing respectively with utility companies, labor organizations, and industries involved in defense contracts[23].

On August 4, 1943, the committee's term expired. Governor Thomes E. Dewey, however, continued the committee and directed it to undertake intensive and continuous work to eliminate economic and social discriminations and to develop greater unity in the war effort. The original purpose of the Committee on Discrimination in Employment had been to work throughout the state on the problems of discrimination against minorities in war employment; the newly formed Committee on Discrimination was to deal vigorously and continuously with the broad problems of the lack of economic opportunity and social discriminations affecting minorities[24].

In 1943, the state forbade discrimination because of race, creed, or color in the sale or delivery of alcoholic beverages[25].

The Committee on Discrimination continued the vigorous and effective campaign of its predecessor and also turned its attention to the formulation of legislation that would establish a permanent commission on fair employment to prohibit discrimination in employment. During the closing days of the legislative session (March 8, 1944) two bills which had been prepared by the committee were introduced into the Senate by Senator Arthur Wicks. The first was entitled "An Act to Amend the Executive Law in Relation to the Creation of a Civil Rights Bureau, and for Other Purposes"[26], and the second, "An Act to Amend the Labor Law, to Create a Commission on Fair Employment, to Prohibit Discrimination in Employment or by Labor Organizations Because of Race, Color, Creed, National Origin, or Ancestry, and for Other Purposes"[27]. On March 17, Governor Dewey sent a message to the Legislature in which he supported the intent of the proposed laws, emphasized the great significance of the problem, the unrelated character of the two bills, and the necessity for more careful study[28].

The Governor proposed the creation of a special commission to pursue this task and to make recommendations at the next session of the Legislature.

On the following day there was passed:

> AN ACT declaring the policy of the state with regard to practices of discrimination against any of its inhabitants because of race, color, creed, or national origin and creating a temporary state commission to make the studies and to make recommendations designed to eliminate such discrimination, and making an appropriation therefor[29].

Within a week, eight members of the War Council's Committee on Discrimination resigned their positions as a protest against what they considered unwarranted delay in acting upon the legislation already proposed by it[30]. Despite this action, the law creating the new commission was signed by the Governor on April 9, 1944[31]. Less than two months later, the members of the "New York State Temporary Commission Against Discrimination" had been appointed and work was begun.

II.

THE DEVELOPMENT OF THE LEGISLATIVE PROPOSALS OF THE NEW YORK STATE TEMPORARY COMMISSION AGAINST DISCRIMINATION

The Temporary Commission Against Discrimination consisted of twenty-three members, eight of whom were members of the Legislature (four Republicans and four Democrats). The remaining fifteen, appointed by the Governor, were representatives of the public and of especially interested groups.

The commission was empowered to employ counsel and such assistants as might be needed and to fix their salaries within the amount of the appropriation made. The members of the commission were to receive no compensation but were to be reimbursed for expenses incurred in the performance of their duties. The commission was to report to the Governor and to the Legislature on or before February 1, 1945, and to include in its report whatever legislative recommendations it deemed necessary to carry out the purposes for which it was created.

On June 19, 1944, the commission met in Albany and elected Assemblyman Irving M. Ives as chairman. The commission requested its predecessor, the Committee on Discrimination, to prepare a report on all its activities and findings since its inception. It also directed that an analysis be made of the laws of New York and other states relating to discrimination on account of race, creed, color, or national origin.

In July, the War Council's Committee on Discrimination furnished the commission with an exhaustive history of that committee and of prior state commissions on discrimination, a digest of the committee's activities and accomplishments, and a synopsis of hearings before the Industrial Commissioner on discriminatory practices. This report not only saved the commission much preliminary investigation and served as an initial basis for its own further studies, but also clearly established the existence of discrimination against various minority groups throughout the state.

On August 7, the commission formed three subcommittees: on Law, on a Permanent State Agency, and on Education. During September, these subcommittees presented recommendations to the commission. The subcommittee on law recommended that the phraseology of the existing anti-discrimination statutes be made uniform and also that the Attorney-General be empowered to assist in the enforcement of the laws against discrimination. Tentative proposals were submitted to the commission to implement these recommendations. The subcommittee on a permanent state agency recommended the creation of a permanent state agency and submitted a preliminary proposal defining its powers and jurisdiction. The subcommittee on education reported that any legislative policy, to be fully successful, must be accompanied by a continuous educational program, formal and informal. It recommended the creation of local community citizens' councils and conciliation groups to achieve this end.

The commission incorporated all these proposals into drafts of bills and directed that the three legislative recommendations be printed. In order to ascertain the will of the people of the state, the commission arranged to hold public hearings in the five principal cities of the state—in Albany, Syracuse, Rochester, Buffalo, and New York.

Early in November, notices of these hearings, scheduled to begin three weeks later, were issued throughout the state by advertisements in the press and through other media. Copies of the tentative bills were printed and mailed to individuals and organizations representing government, education, labor, business, industry, and the bar, as well as to those civic, racial, religious, and social groups which might presumably have an interest or concern in the question. Attendance at the hearings was completely open and voluntary; as will be indicated, most of the individuals and groups notified appeared at the hearings. The local press printed the draft bills and appropriate notices of the hearings and carried daily accounts of the proceedings.

Hearings were held in Albany (November 27), Syracuse (November 28), Rochester (November 29), Buffalo (November 30), and New York City (December 5, 6, and 7). The procedure in each city was identical. The chairman first explained briefly the nature of the commission and its responsibilities and the contents of the bills as tentatively proposed, and then requested those attending the hearings to express in turn their opinion on the bills and any criticisms or suggestions which they might have. The counsel followed with a brief analysis of the proposals, and individuals were then

called upon to testify. Each person who attended and wished to speak simply filled out, upon entering the hearing room, a card stating his or her name and the organization represented, if any, and whether he or she desired to speak or wished to have a statement entered on the record. Everyone desiring to present oral testimony was heard in full and without limit of time.

Discussion at the hearings centered around the creation and powers of the proposed state commission. Differences of opinion fell roughly into four categories. First, some individuals and organizations were completely opposed to the legislation in principle, believing that it would do more harm than good. They advocated that the processes of education be strengthened in order that public opinion might be aroused to the importance of the problem. Second, others expressed confidence in the legislation in principle and in substance, but thought it too far-reaching. Third, were those who voiced confidence in the principles and substance of the proposed legislation but felt that it was too conservative in scope. Finally, the remainder opposed the bills in principle and substance and recommended no changes in existing statutes. Of the 191 persons who discussed the proposed state commission, 3 were totally opposed, 7 thought it too far-reaching, 111 approved with suggested changes, and 70 approved it as proposed. Major criticisms of the bills, on the part of those who expressed general approval, revolved around its penalty provisions, the exemption of charitable, educational, and religious associations and corporations not organized for profit, the exemption of small employers and farmers, and the provisions for judicial review. That these criticisms bore fruit is evidenced by a comparison of the bills as proposed and as finally submitted to the Legislature by the commission.

As the commission traveled about the state, it found discrimination to be a most controversial and emotional subject. Fears were expressed in advance lest public hearings would foster ill will and create discord. The hearings proved, however, to be dignified proceedings in the nature of deliberative town meetings. Considerate attention was given by the commission to all the principal points of view expressed by the public. There was no heckling.

The attendance at the hearings was unusually high. By conservative estimate it amounted to 3,225, distributed as follows: Albany, 250; Syracuse, 175; Rochester, 200; Buffalo, 400; and New York City, for three hearings, 800, 600, 800.

The character of the proceedings, as well as the wide public attendance (unusual even in New York State), demonstrated with encouraging vigor that democratic processes of providing public opinion an opportunity to express itself in the development of legislation in a controversial field are not only feasible but highly effectual. The commission's hearing procedure can indeed be said to be one of the most useful and unique contributions to the ultimate success of its legislative proposals.

On the basis of these hearings, extensive revisions were made in the original proposals for the creation of a state commission; the other two legislative proposals needed practically no revisions.

The significance of these hearings lies in the fact that never before had a state legislative commission publicized proposed bills in advance in such a manner and so extensively, and then traveled from city to city inviting every interested person or group to appear before it and record their views without time limitation. Public hearings previously had been confined to commissions of survey or investigation or to hearings at Albany before committees of the Legislature or before the Governor. Consequently, it may truly be said that the people of the state actively participated in writing the legislation which was contained in the Report of the Commission submitted to the Governor and the Legislature on January 29, 1945.

III.

THE LEGISLATIVE PROPOSALS BECOME LAW

Though the final report of the New York State Temporary Commission Against Discrimination was not filed until late in January, 1945, Governor Thomas E. Dewey, in his annual message to the Legislature on January 3, called attention to the program of recommendations and carefully drawn legislation which the commission was about to submit, and pointed to its significance and to the need for considered legislative action on the recommendations. After noting that much could be accomplished by education to accelerate public understanding and voluntary action, he emphasized the value of sound governmental leadership and concluded:

> I cannot too strongly urge that, after the commission has rendered its report, action should be taken to place our State in the forefront of the nation in the handling of this vital issue.

On January 29, the Report of the Temporary Commission Against Discrimination was submitted to the Governor and the Legislature. Three bills were proposed. The principal bill, introduced by the commission's chairman, Assembly Majority Leader Irving M. Ives, and Senate Minority Leader Elmer F. Quinn in the respective houses, prohibited discrimination by employers of six or more persons and set up a permanent State Commission Against Discrimination in the Executive Department to effectuate its provisions.

More specifically, the bill declared that the opportunity to obtain employment without discrimination because of race, creed, color, or national origin was recognized as and declared to be a civil right. It created a permanent commission, consisting of five members with annual salaries of ten thousand dollars each, appointed by the Governor with the advice and consent of the Senate. Essential powers of enforcement were granted and certain unlawful practices enumerated and proscribed.

Under the terms of the bill, complaints coming before the commission may be filed only by a complainant or his attorney-at-law, or by the Industrial

Commissioner or the Attorney-General. These complaints must be verified and in writing, and must be filed within ninety days after the alleged act of discrimination. The commission is to initiate its procedure upon all complaints by resorting to "conference, conciliation, and persuasion," under the auspices of a designated commissioner and his assistants, whose endeavors are to be of a confidential nature. If efforts at adjustment fail, the designated commissioner is forbidden to participate in subsequent proceedings before the commission, and such later proceedings must be confidential, without public disclosure by the commission or its staff.

When judicial enforcement becomes necessary, the commission may conduct formal hearings before three of its other four members and may issue an order against the offender to "cease and desist" from any unlawful employment practice. The commission may obtain an order of enforcement from the civil courts, and any party aggrieved by the commission's decision, or who refuses to comply with its order, may obtain judicial review by the courts. An ultimate defiance of the final order of the commission is a misdemeanor punishable by a maximum fine of five hundred dollars or a maximum jail sentence of one year, or both.

The bill also gives the commission full power to make appropriate studies and to propose to the Legislature, to educational authorities, and to governmental departments and agencies recommendations designed to lessen or eliminate discrimination wherever bias resulting in discrimination obtains. The commission may also issue such publications and results of research as shall tend to promote good will and minimize discrimination in employment.

A vital feature of the bill is its educational provisions. The commission is clothed with power to create local or state-wide voluntary and unpaid agencies and conciliation councils to cultivate better human relations by discouraging prejudice and discrimination. Such councils may be empowered not only to study local problems and to make recommendations as a result of their studies and efforts, but also to propose programs of formal and informal education which the commission, in turn, may recommend to appropriate state agencies. A program of adult education aimed at combatting discrimination is specifically proposed.

The second bill proposed by the commission provided that the Attorney-General, at the request of the Industrial Commissioner or the commission, may represent them in any civil suit involving the enforcement of any administrative order or of any law against discrimination in employment. It also authorized him to exercise a limited power of enforcement, concurrent with the powers of the county district attorneys, as to all civil rights and anti-discrimination laws, when in his judgment proceedings to prohibit unlawful discrimination might not be effectively conducted by the local prosecutor because of the extent of the offense or because the local prosecutor had erroneously failed or refused to prosecute.

The third bill amended the terminology of the various antidiscrimination statutes of the state so as to refer uniformly to "race, creed, color, or national

origin," instead of only to "race and color," or "creed," or "religion," or other combinations of these related factors.

On February 6, the Assembly Ways and Means Committee had reported the Ives-Quinn Bill favorably with a single amendment which eliminated the requirement that the commissioners devote full time to the duties of their offices. The Senate, however, on February 13, served notice that it would hold a public hearing if and when the bill passed the Assembly. This action apparently resulted from strong pressure on some members of the Senate by groups opposed to any further legislation of this type. Under the circumstances, it was decided by the legislative leaders of both parties to hold a joint hearing of both legislative houses at once.

On February 20, the hearing was held in the Assembly Chamber at Albany before the Senate Finance and the Assembly Ways and Means Committees. It was opened at 1 p.m. by the chairman, Senator Arthur Wicks, who promised that one hour and a half would be given to the opponents of the bill, one hour and a half to the proponents, and then an additional hour to each successively. As the hearing proceeded, it became clear that the number of persons present who wished to place their organizations or themselves on record as being in favor of the bill far exceeded those in opposition. A recess was called at 6:30 p.m., and the hearing recommenced at 8:20 p.m. During the hearing, statements, letters, telegrams, and resolutions urging passage of the bills came to the chamber in great numbers from various organizations and individuals. For several hours after all the opponents present had been heard, the proponents of the bill followed each other in support of the bills. It was not until 1:40 a.m., February 21, 1945, that all who wished to be heard had voiced their opinions, and this significant hearing, attended by more than 500 individuals, including 230 representatives of organizations, came to a close.

The bills were opposed at the hearing by a number of important business organizations, civic and bar groups, three railroad brotherhoods, and one individual. On the other hand, they were favored by all political parties, by leading representatives of the Catholic, Jewish, and Protestant faiths, by the state A.F. of L. and C.I.O., by businessmen and farmers, by civic, social welfare, and racial groups, and by local officials. Spokesmen for the Temporary State Commission which drew the bills, led by its counsel, Charles H. Tuttle, whose eloquent speech was generally considered to have carried the utmost conviction, also appeared in favor of the bills. The principal rebuttal of objections to the procedures and powers contained in the new legislation was presented by former Moreland Act Commissioner Robert M. Benjamin.

A week later, on February 28, the Assembly debated the Ives-Quinn Bill for more than six hours. It was then passed by a vote of 109 to 32, but not before three amendments had been debated and voted down. The first, to remove the penal features of the bill and confine the commission to education and negotiation, was defeated 104 to 36; the second, to remove certain exemptions so as to make the law apply to all employers except those of religious

organizations, was defeated 119 to 20; and the third, to submit the law to a referendum, was voted down 100 to 40.

On March 5, the Senate debated and passed, by a vote of 49 to 6, the identical bill which had left the Assembly a week before. Before the final vote, however, an amendment to submit the proposals to a referendum was defeated 38 to 16. The historic Ives-Quinn Bill thus made its way through the Legislature and a week later, on March 12, was signed by Governor Dewey, to become law effective July 1, 1945.

One week later, the bill giving additional authority to the Attorney-General and the bill making uniform the terminology in the previously existing statutes were passed by both houses of the Legislature. They were subsequently signed by the Governor, becoming law on July 1, 1945.

IV.

AN ANALYSIS OF OPINIONS OFFERED FOR AND AGAINST THE LEGISLATION

During the public hearings on the tentative proposals of the Temporary Commission, criticism was directed mainly at specific provisions of the bills. The principles of the legislation were warmly approved by all, except for a small minority of the opponents. Those few absolute opponents seemed to be totally out of harmony with the majority and offered few constructive criticisms or suggestions.

The provision for judicial review, with particular reference to the sufficiency of evidence, received much attention. The prevailing rule has been that the courts should not disturb the finding by a jury on a question of fact unless convinced, on the whole case, that the verdict was against the weight of the evidence. This provision appears in the New York State Civil Practice Act and is applicable to review by the courts of questions of fact determined in all administrative proceedings. This "weight of evidence" provision holds unless particular statutes or individual judicial decisions establish some other basis for the review of questions of fact.

As a result of the interchange of views at the hearings, the language of the provision regulating this question in the Ives-Quinn Bill was changed from:

> The findings of the commission as to the facts shall be conclusive only if supported by a fair preponderance of all the evidence.
>
> to
>
> The findings of the commission as to the facts shall be conclusive if supported by sufficient evidence on the record considered as a whole.

Many found fault with the definition of an "employer," which, they felt, exempted too many organizations from the law. It was argued that social

clubs, fraternal, charitable, educational, religious, and nonprofit organizations were as likely to be discriminatory in their employment practices as were profit-making enterprises. To avoid possible irrelevant opposition to the main objectives of the bills, to make enforcement acceptable, and to eliminate certain questions of constitutionality, the majority of the original exemptions was retained, with certain modifications. Farmers employing three or fewer persons, although exempted in the original proposal, were granted no special exemptions in the legislation; employers having fewer than six employees were exempted from the provisions of the bill. The further narrowing of exemptions, it was suggested, might better be left for the consideration of the state agency and future legislatures.

Discussion of the composition of the commission gave rise to the question as to whether the appointing power should be required to allocate membership to groups that might be specially concerned. Such a requirement was deemed both unsound in principle and impractical, since it was a matter of social justice which was being dealt with, and one which equally concerned the welfare and interests of all the people of the state.

Some criticism was leveled at the proposed legislation because of its misdemeanor penalty, which made a person found guilty, subject to the maximum penalty of one year in jail and a five hundred dollar fine.

The majority opinion was that this was the lightest penalty which would assure respect for the law and was, therefore, a proper penalty to assure enforcement. Since many of the existing antidiscrimination statutes carried corresponding penalties, these provisions were deemed consistent and were retained.

Unanimous approval was expressed of the sections of the bill which provided for educational activities by the commission and for the cultivation of good will among the people of the state. These provisions can be utilized as a powerful instrument for dissipating the ignorance and lack of understanding which often support discriminatory employment practices. They may, indeed, prove to be the most effective element in the policies established for achieving a more dynamic democratic society in New York State.

As to the bill permitting the Attorney-General in certain circumstances to supersede the local district attorney, there were those who felt that enforcement, where the local authority was superseded, should be placed in a special bureau created for the purpose in the office of the Attorney-General. Others objected to the bill on the ground that its language gave the Attorney-General blanket authority to supersede the local district attorney. Actually, the bill made of the Attorney-General a reviewing officer and gave the party who felt aggrieved a further opportunity for redress when the local district attorney for one reason or another declined to act upon the complaint. The original phraseology of the bill was revised in order to meet these objections.

There were no objections recorded to the bill providing for uniform phraseology in all existing antidiscrimination legislation.

During the hearings conducted by the Temporary Commission, most of the voices which were raised in opposition at the legislative hearing were

silent. At the legislative hearing, however, many opponents of the Ives-Quinn Bill appeared and urged many arguments. Between the time that the public hearings terminated and February 20, when the joint legislative hearing was held, it became apparent that the opponents of the legislation had reviewed the situation and had organized their opposition. This opposition was divided between the few who demanded the right to discriminate in employment and those who deplored discrimination in employment but opposed the legislation on the ground that legislation would not rectify this evil.

Most of the possible objections and the tenable arguments in support of the principles of the legislation were presented by its opponents and proponents in the course of the nearly twelve hours of continuous argument at the joint legislative hearing. These arguments have been quoted and arranged under convenient topical headings, which now follow. Each statement is an exact quotation from the record of the Joint Legislative Hearing in Albany, New York, on February 20, 1945. Care has been used to quote enough of each statement to portray the meaning precisely as intended. These arguments for and against the Ives-Quinn Bill are classified for more convenient reference as follows:

1. Is such legislation necessary?
2. Is it constitutional?
3. Can it be effectively administered and enforced?
4. How will it affect business and employers?
5. Does it reflect public opinion?
6. Is it a good public investment?
7. What effect will it have on public morale?

WHAT THE PEOPLE SAID

1. IS SUCH LEGISLATION NECESSARY?

Against	For
The proposed antidiscrimination bill is unnecessary, unwise, and unjust.	In this state today, there is that serious situation which the Legislature found in its bill which created this commission, and nobody denies that. Even those who opposed the enactment of the Ives-Quinn Bill admit that there is discrimination, particularly in industry. No, it is *not* unnecessary — no, because of the thousands of applicants for work who have been denied that work because of their race, creed, or national origin. No, it is *not* unwise — no, because no piece of social legislation leading to the improvement of the lot of the common man can be deemed unwise. No, it is *not* unjust — no, because the granting of equal rights to all mankind is the noblest of all human endeavors.
Laws now on the statute books . . . could be adequately enforced as applying to the problem of discrimination because of race, creed, color, or national origin.	For over six years this Section (11) of the Bill of Rights has remained virtually a dead letter . . . . The laws passed nominally to implement it in fact rendered it merely lip service. There is scarcely a reported case in the field of employment where either that constitutional section or those laws have been judicially cited.
The real evil in our midst is not discrimination, which we all exercise consciously or otherwise, in the selecting of our friends or tradesmen or barber, or those even for whom we vote, but rather ignorance and prejudice which cannot be legislated out of existence now or ever.	While you may not be able to legislate prejudice out of the hearts of people, you can legislate the manifestations of that prejudice out of their actions in a community in which they live and work. It is said that you cannot abolish prejudice by law. Nor can you abolish by law fraud, chicanery, extortion, monopoly, or exploitation. Gentlemen, you cannot, by legislation, make a thief an honest man, but you can

Against

For

protect society against his thievery.

This bill is directed against overt acts of discrimination and not against opinions, ideas, or prejudices.

The Ten Commandments were needed about four thousand years ago, but after all these centuries, there has been constant education on the Ten Commandments, a code of ethics to guide individuals, and we have that education going on in our schools, in our colleges, and in the churches, yet we have got to have laws denying the right to a man to murder another individual, or to steal, or to slander his character.

While prejudice cannot be abolished by a state commission, its serious consequences can be, as the various labor relations laws prove what can be accomplished by legislation in that field. Furthermore, any efforts to combat discrimination are helpful, as witness the results of the President's Fair Employment Practice Committee. It has been argued that you cannot legislate discrimination out of existence. . . . It was argued against the State Labor Act that you could not legislate antilabor attitudes out of existence. Our experience has shown that the State Labor Act has, to a large extent, eliminated antilabor activities.

Evil and bigoted impulses when denied the license to exhibit themselves in the field of employment will gradually atrophy and disappear. Bias breeds on ignorance, and the daily association in employment of Americans of different races, creeds, and national origins by removing ignorance will destroy bias. Mutual appreciation and mutual respect are the inevitable consequences of laboring side by side.

The proponents of this bill realize that while racial and religious prejudice which causes discrimination in employment cannot be removed by legislation alone, the proposed legislation is a reasonable forward and progressive attempt to point the way how to square practice with American professions and ideals, to afford equality of opportunity for all to enjoy life, liberty and the pursuit of happiness.

While it may be true that we cannot legislate against prejudices, we can and must legislate against the use of those prejudices to deprive American

Against

For

citizens of employment and to destroy the growing unity of all Americans for a greater and more prosperous country.

From time immemorial it has been demonstrated that preconceived viewpoints in behavior cannot be eleminated by punitive legislation. Such viewpoints may only be eliminated through the processes of education and religion. The School and the Church must take the leadership if we are to continue to make progress in eliminating intolerance.

The programs of education in churches, schools, service clubs, and fraternal bodies have failed so far to eliminate injustices of a discriminatory nature, these discriminatory practices with which we are concerned.

The problem of discrimination is a difficult and complicated one; where such practices exist it can be dealt with successfully by the process of education rather than to inculcate new social standards by law.

It has been argued further that the best means of eliminating these evils is education and not legislation. However, the two are not mutually exclusive, but should go hand in hand.

The right to work, to be a useful member of society, cannot wait on the complete abolition of prejudices through education. We have laws to punish murderers, rapists, and arsonists. These laws have not eliminated crimes of violence. Depraved individuals still murder, rape, and burn. . . . But no one would advocate that we deprive any individual of the protection of these laws, nor can anyone claim that these laws are not powerful deterrents preventing widespread crimes of violence.

If workers are prohibited from getting employment in the first place, how can the education process be employed?

There can be no more potent means of education than the moral effcet of having embodied in the laws of the state, as its public policy, the principle that everyone is entitled to work and advancement according to his abilities regardless of race, creed, color, or national origin. Certainly we need education to enable us to understand the rights of the next fellow and the respect of these rights, but the world unfortunately has some people for whom education alone is not enough. For them we need both education and legislation.

As a former railword worker, I listened with very keen interest to the presentation of the gentleman representing the Brotherhood of Locomotive Engineers. He advocated the policy of education. His organization has been in existence for upward of

Against	For
	three generations, and not on one division of the 250,000 miles of railroad track in the United States is there one Negro steam locomotive engineer. Evidently the organization that he represents did not carry out a program of education. . . . They said, "Let's substitute for that the process of education." It was rather interesting for me, as one person, to hear that from . . . [businessmen] because I had the feeling in listening to some of the people in New York, that I had seen them at Board of Estimate meetings and Councilmen meetings that they were adamant against expenses for education, so that it was a novel appearance of their bringing it forward — bringing forward ideas here for education.

2. IS IT CONSTITUTIONAL?

Against	For
The proposed bills would establish for the first time the civil right to obtain employment in industry not connected with a public use without discrimination and would take from the employer his civil right and liberty of choice to enter into proper and necessary contracts for the conduct of his business. This right of the employer has previously been held to be protected by the 14th Amendment of the Federal Constitution and the constitutionality of the proposed legislation therefore is open to serious question.	This declaration is not the creation of a new civil right. It is merely the recognition of a natural and inalienable right which the courts have always recognized as inherent in the constitutions and public policy of the United States and of this state, and which is now an express part of our state's Bill of Rights. To say that an employer's constitutional rights are denied through the passage of this bill is to say that the state government should aid these employers in their discriminatory practices. Discrimination is the proper subject of legislation by the state in the exercise of its police power. The bill provides for the exercise of the police power of the state to assure the fulfillment of constitutional guarantees of civil rights. The bill is primarily for all the people, for the employer, the employee, the labor union that operates on American democratic standards, the public that wants protection against persecution of or by minority groups, and from the designs of special interests.
I cannot believe that the bill before you would be upheld by the Court of Appeals. Certainly it will be challenged.	It is said that the legislation may be unconstitutional. If so, democracy itself is unconstitutional. The recent course of judicial decision has been such that we can have complete confidence that no court will attempt to

Against	For
	annul the very Ark of the Covenant, the Bill of Rights itself. In a recent case the Supreme Court of the United States said, and I quote: "Race discrimination by an employer may reasonably be deemed more unfair and less excusable than discrimination against workers on the ground of union affiliation." (New Negro Alliance v. Sanitary Grocery Co., 303 U.S. 552, 561).

3. CAN IT BE EFFECTIVELY ADMINISTERED AND ENFORCED?

Against	For
If the bill is enacted . . . [it will] set up a cumbersome and expensive bureaucratic machine which can operate only on one small segment of the great racial problem — discrimination in employment.	We were told that you are going to create a great monster, the monster of bureaucracy, and you are going to regiment industry. We know what these slogans mean . . . the bane and curse of our recent civilization has been that many people have been misled and misguided by slogans, and today we suffer from the stereotype and red herring of regimentation and bureaucracy.
The proposed law would be costly to administer, and both costly and difficult to enforce.	I do not believe we can succeed unless we are willing to invest in these things of peace at least a tithe of what we invest in war . . . if we spend generously on citizens' education, the dollars we put into legal measures will bring us tenfold greater returns. Economy in education is the deadliest form of waste.
The statute will provide opportunities for blackmail and abuse.	Blackmail would come only with regard to criminal proceedings. There could not be any blackmail with this commission part of the statute . . . we have had on the statute books for years criminal penalties under the Civil Rights Law and the Penal Law, and there has been literally no history of blackmail that I am aware of with regard to any of those provisions. Evasion will naturally be attempted. It happens under existing laws. There are those who argue that the proposed commission will lend itself to political abuse. This argument may be used against any social or educational agency that is set up by government. Opposition to the bill because of fear of abuse may well be applicable to any legislation under consideration. If the provisions are abused or misused, there are existing provisions of law to take care of that.

Against	For
	Time and experience will, in this case as in other laws, establish standards as well as procedures.
If the special commission is instituted with nothing to do but enforce a law against discrimination, employers and labor will be subjected constitutionally to investigations, questionnaires, and threats of prosecution, and under the proposed bill the commission's sole function would be to ferret out discrimination, bring complaints, and then itself try those complaints.	The legislation gives primacy to the social processes of education, good will, and conciliation, as antecedent to enforcement. It not only proposes legislation; it supports, it implements, it crowns that legislation with education. Adjudication is only part of the commission's job. Education is the major part.
Now comes a proposal in the form of a new law that will cause every unsuccessful candidate for a job to disappointedly, or even enviously, conclude that he or she has been discriminated against, and even worse, in that state of mind, the last thought to occur to the unfortunate ones would be that their unfitness was due to any shortcomings of their own. If such statute were to be enacted penalties [should] be provided against frivolous, unreasonable, irresponsible, or pernicious complaints by whomever made under the provisions of the statute, after the commission or the courts find that any complaint is frivolous, unreasonable, irresponsible, or pernicious.	One point was made that applicants for employment often misunderstand why they are turned down for employment. That is perfectly true, but the further conclusion was drawn that they would then assume that they were turned down because of race, creed, or color, and the statute did nothing about it; but the statute does something very clearly about it, because this conciliatory procedure that is set up is designed not only to persuade the employer, if he has been wrong, but to persuade the employee if the employee has been mistaken.
The charge of unfair employment practice is easy to make and difficult to disprove because it involves a state of mind.	The bill does not regulate or attempt to regulate the state of mind of an employer — it controls his conduct only. When the Federal government passed a Labor Relations Act, and so too the state, we did not make the union-hating, union-busting employer suddenly become a union lover. But we did control his actions.
The situation is improving and . . . the best way to improve it faster is by education, moral suasion, conference, and reason, and not by coercion and intimidation backed by fines and jail sentences. The commission should play the role of investigators, educators, conciliators, rather than the role of prosecutors or persecutors.	It was also suggested that it would be enough to issue a moral mandate and publish it, and the fear of public opinion would operate on the employer, and that would be enough. Now, that again has been tried with regard to the Minimum Wage legislation, and it is insufficient. Halfway measures do not work. We must have a law with penalties included in it so that lawbreakers will know that there is a punishment. No enforcement is possible without these penalties. Without enforcement the law would be meaningless and mere decortion.

Against	For
	Without final authority to enforce this legislation against those few who might violate rules of the proposed commission, the bill becomes meaningless. Unfortunately, there are some manufacturers and employers among us who sometimes do not yield to persuasion. Voluntary compliance by the great majority of employers and labor unions will be much easier to accomplish if it is known that the recalcitrant fringe can be brought in line by sanctions. To give this guarantee to persons within our state and not to provide the machinery for its enforcement would be a mere mockery, an empty, shallow constitutional provision. The commission in drafting this bill did not make the mistake that some other commissions have made, in making the penalties too severe so as to discourage prosecution, and they did not make the penalties too light, so as not to have just enough bite there to discourage its violation.
If it is deemed necessary to add a new statute applicable to discrimination in employment, no new bureau or division of the state government [should] be set up, but . . . administration and enforcement of any such statute [should] be put under the jurisdiction of the Department of Labor or some other existing department of the state government. It would seem, too, that if such laws pertain to employment, their administration and enforcement might well be delegated to the Industrial Commissioner.	It has been suggested a couple of times that this job should be given to the Industrial Commissioner, or the State Labor Board, or anybody but a new commission. . . . It is simply too much of a job, especially if the commission does what all of us emphasize the desirability of . . . . educate . . . Adjudication alone will be a severe job, and in deference to the feelings of employers, the statute has provided that the board members themselves should hold hearings. That is one of the things that is designed to make the statute acceptable to the people who are dealt with, and that again makes it a time-consuming and difficult job, which is not at all like what the Labor Board does or like what the Industrial Commissioner does.

4. HOW WILL IT AFFECT BUSINESS AND EMPLOYERS?

Against	For
To create a brand-new important regulatory commission, which will have jurisdiction over the most delicate and important of business relations — that is between employer and employee — is naturally regarded with concern and almost horror by businessmen generally. For government	Do not be misled by the apparent unanimity of the various chambers of commerce and boards of trade. When you discover which organizations are for and which are against discrimination, you will find their views far from unanimous or uniform . . . Incidentally, there were twelve present

Against	For
to increase its regulatory powers over business in this manner may be a good totalitarian doctrine, but it is not the American way.	out of 1,600 members and by that vote and without a referendum, the Bronx Board of Trade has been represented here in this chamber, and before the state, as being opposed to the legislation. I doubt that that is the case . . . There is no united opposition by business.
Gentlemen, it is your duty to protect the business interests of this state.	You are all aware of the numerous laws we have to protect property rights. It has always struck me as peculiar that we have never placed similar safeguards around our human rights, which are as vital and even more important than property rights; for without human rights, property rights are meaningless. The Ives-Quinn law would do just that thing. It would protect and safeguard basic human rights guaranteed to us by our constitution.
The passage of the law . . . would make New York a less desirable place for business from the standpoint of employers and employees alike. This would result in a loss of existing business to New York State and the loss of other businesses which might later locate here. Loss of industries means loss of jobs. It is business that creates these jobs that we are now here scrambling for.	Being a labor man, and a labor man since the age of thirteen, and having worked in a shop all my life, language is so familiar to me, because when we were talking of organizing unions, we had the same kind of threats, we were told, "If you organize labor, you will have ghost towns, industry will run out of the cities." And so only a decade ago, we started to talk about labor legislation, collective bargaining, and when we discussed collective bargaining, we had the same spokesmen who said, "If collective bargaining will ever become the law of the land, business will be out of business, and there will be no more business" . . . . Now we see it, that they are out of business. If it is bad for business, then something is wrong with the business. In the last three and a half years, we have had a Federal bill and a local bill, and business has put out more production per man, per machine, and has made and met every production demand of the U. S. Army and the Navy, and they have done that in the face of a kind of bill that was only temporary. If that is bad business, I haven't seen it in the stock market quotations, on the stock market page. I say that is very good for business. The view has also been advanced by opponents of this measure that business will leave the state if the bill becomes law. We must ask which business firms, gentlemen? Can the opponents cite one business firm, now

Against	For
	solvent and making money, which has promised to move from the state because of this bill? Has Governor Dewey's Commissioner of Commerce received word that any particular corporation would not come to this state, frightened by the effects of this measure? Or is it not, rather, the fact, gentlemen, that every time an important piece of social legislation has been proposed in these chambers, that the threat has been raised that business would be driven out of the state? Yet, is it not also the fact that with the most advanced social legislation in the country, business in this state was never in a better condition?
	Rather does this legislation . . . regard the business and industrial consequences as much better measured by the profound words of Mr. Eric A. Johnston, president of the Chamber of Commerce of the United States, when he said publicly only last January ". . . Wherever we erect barriers on the grounds of race or religion, or of occupational or professional status, we hamper the fullest expression of our economic society. Intolerance is destructive. Prejudice produces no wealth. Discrimination is a fool's economy. . . . The withholding of jobs and business opportunities from some people does not make more jobs and business opportunities for others. Such a policy merely tends to drag down the whole economic level. Perpetuating poverty for some merely guarantees stagnation for all."
Reputable companies will be frightened away from this state because even though they act in good faith they are likely to be subjected to burdensome, expensive investigations, to frivolous claims, and troublesome litigation, and to risks and burdens to which other states do not subject them.	In the statement made that there will be a lot of trouble, of record-keeping and investigations and the like, I wonder if it has been thought that if a concern is against discrimination, it wouldn't leave the state because of such a bill, and secondly, if it is against discrimination, it would not be bothered with all of the intricacies of the bill.
Every legislator . . . when he votes for this extraordinary measure . . . is voting to take away from corporate management and the individual owner of any small business, the right to manage the personnel relations of that business and vesting such right in the commission which this bill creates.	This bill has attempted to be scrupulously fair to employers while still maintaining the purpose of making a real dent in conditions of discrimination. Wherever possible it means to use conciliation instead of enforcement — and makes possible a statewide educational program against prejudice, through the development of local councils.

Against	For
It would render any employer charged with such discrimination liable to criminal prosecution and to civil action for penalties at the suit of any person claiming to be aggrieved.	Only if the offender contumaciously resists and outlasts all the processes of conciliation and the compulsory powers of the civil courts, or willfully attempts to sabotage the functioning of the commission itself, are the criminal courts called in. There can scarcely be serious lamentation over the well-deserved fate of so rare and hardened an offender against democracy.
The word discrimination means — "The act or power to note differences." If a businessman is fortunate enough to have more than one applicant to fill a vacancy in his employ, he is compelled to discriminate in the selection of the one he prefers over another.	"Discrimination," sir, is not the noting of differences. It is the acting upon racial differences. "Discrimination" is the act of selection for employment on irrelevant, on utterly congenital grounds which have nothing whatever to do with the man's character, fitness, or qualifications for any particular job.
Not all discrimination is wrong. Every employer owes it to himself, to his business and its efficiency, and above all to his employees, to use discrimination in selecting his employees, to the end that those shall be employed for a particular job whom a discriminating judgment shows to be best fitted for that job.	
The proposed bill fails to provide affirmatively that a person may hire on the basis of aptitude, suitability, and capacity or character for the particular employment, and that refusal to hire shall be discriminatory practice only if such refusal is solely because of the race, creed, color, or national origin.	The instant bill . . . does not give preference to anyone because of race, creed, color, or religion. It does not compel an employer to employ quotas or to employ a less efficient person because of race, creed, color, or religion, but it specifically prohibits discrimination solely on these grounds, as intended in the constitutional provision.
An honest employer harassed by the system proposed to be established here will either ask the State Commission Against Discrimination to fix the various religious and racial quotas which will satisfy them, or he will be forced to establish quotas of his own based upon the anticipated point of view, the practices, and the decisions of the new commission.	
The employer has been subjected, if all of the processes outlined in the bill are carried out . . . to embarrassment, to expense, to possibly unfavorable publicity.	(The) scope of (judicial) review is reasonably broad and is designed with sufficient protection to the employer. It makes impossible any arbitrary decision of the tribunal, and holds it to grounds of rationality. You have said that these men are going to cause all sorts of unnecessary and unfounded litigations, to embarrass and humiliate businessmen. That is not true. The workers want no fight, no unfounded fights or con-

Against	For
	fusions with businessmen. The workers only want the right to work and the right to be protected in their jobs, to be treated fairly, to be treated as American citizens.
	Experience is . . . that once a statute of this kind is on the books, not only will a great majority of the cases that come before the board be settled by conciliatory means, but more important still, the vast number of instances of hypothetical claims or charges will never happen at all, because when it becomes the enacted policy of the state, implemented by judicial administration by a board, the vast majority of the citizenry of the state will, like good citizens, comply, and the people who accept this mandate in good faith and as good democratic citizens will not be harassed, will not be brought before the court; their cases will never come up.
Where specific knowledge of a foreign country is required, as in export-import or shipping, and an employer requests personnel of a specific nationality, he is not violating the law because his requirement is bona fide, but who is to judge that the agent is not guilty if the unsuccessful applicant registers a complaint against the agency which must thereupon divulge the confidential information on which its business is based?	Section 131, subdivision 3, states that after discussing the question of employment agencies printing and circulating statements, advertisements, and so forth, it states that these advertisements should not discriminate, and it states that unless these specifications are based on a bona fide occupational requirement. Certainly, if someone says we want someone to speak Spanish, for an exporting business in South America, I cannot conceive of anyone holding that as an unfair practice.

5. DOES IT REFLECT PUBLIC OPINION?

Against	For
Sufficient time has not been given the public, or even the legislators, to properly study and analyze a measure of such far-reaching effect. Comparatively few people have actually read the bill. It has been available in printed form only a little more than two weeks.	When the Governor's Committee held hearings on the proposed legislation throughout the State of New York, ample notice was given to all interested groups and organizations. Everyone had an opportunity to give the commission the benefit of his views.
	Why didn't all these so-called opponents of the bill appear at the hearings held by the Ives Commission? Obviously, they were afraid to parade their specious arguments before the people in the various cities throughout the state. They hoped to sneak in their attack at the last moment in Albany.
	It is the wish of the vast majority of the people of the State of New York

Against	For
	that the Ives-Quinn Bill be passed, as indicated in two months of public hearings.
	The fears which many opponents expressed suggest that these people have neither followed the work of the temporary commission nor studied its final reports.
It is not a "war measure" or "emergency legislation" and should not be jammed through under pressure. Such a proposal is one for calm, intelligent consideration in times of peace when human emotions and thinking have recovered from wartime hysteria and reactions.	This bill has been carefully drawn by capable legislators with the aid of distinguished counsel after the most thorough consideration. We support this bill because first it was written after painstaking study and widespread consultation.
	Third, it proposes to attack the problem with caution, reason, and patience.
	This bill . . . is the most carefully drawn and best drawn for commission procedure on the books of the state, that is, assuming that it will be on the books of the state.
	You have had on this temporary commission, this antidiscrimination commission, men of ability, men of learning, men of enlightenment, students of government, businessmen, professional men, who know American democracy, who know the processes of government, who know the background of our economic system, and if for a moment those men and women on that commission felt that they were going to endanger the welfare of our state, do you think for a moment that they would come before the Legislature of the State of New York and bring the proposal embodied in its report?
	All this bill does is to translate into law that which everyone all over the state has been talking of for the past ten years.
It is one of the most controversial measures to come before the Legislature in years. Action should not be taken while hundreds of thousands of our citizens, who will be affected, are fighting on foreign soil and unable to express their sentiments.	This legislation is perhaps the most important thing that will be presented to this Legislature, and in my twenty-four years of experience as a member of this Legislature, one of the most important pieces of legislation that we will have to consider.
	As a member of this Legislature for ten years who participated in joint hearings for years, who listened to arguments on proposed legislation — I submit to you that this bill before you represents the most constructive piece of legislation that has been brought before the Legislature of the State of New York in a generation.

Against	For
	These lads are already "expressing their opinion" with their deeds of heroism, determination, and sacrifice, just to eliminate the very thing which has brought us together today.
	The men and women in our armed forces, our merchant marine, and our factories and shops have learned through the experiences of this war that there is no basis for discrimination in employment because of race, creed, color, or national origin.
	Now, the veterans of this war, some of them are home, and they are seeking jobs, trying to put to use some of the new skills they learned while in the service of their country, and they are striving to make a normal adjustment to civilian life, but they, too, are confronted with the humiliating evils of discrimination, because of their race, their color, their creed, or their national origin. These veterans had fought against the enemies' theory of a master race only to come home and find that similar theories of racial superiority are a barrier to employment.
	Men and women in the armed forces of this nation, who represent every race, creed, color, and national origin, are placing their lives and well-being on the altar of sacrifice in behalf of the democratic way of life. When they return to civilian occupations, they must be guaranteed, through law, the principles for which they fight.
	How can we let the word go out to our fighting men around the world that what they were sent abroad to win with their blood for others, they will not find at home for themselves when they return? Implicit in equality of obligation on the battlefield is equality of opportunity in the paths of peace.
If there is any real need for this legislation, let us wait until our men in the armed forces come back, and have a referendum on the subject.	There can be no other reason for a referendum or delay until the war is over than to use such tactics as a stalling device to give ample time for subversive propaganda against this bill.
	The referendum is an unconscionable postponement; it is not an attempt to secure a judgment of the people; it is an attempt to avert and divert public opinion in this matter.
Some . . . advocate this amendment of . . . the highest motives, but there are	It is to the credit of the New York State Temporary Commission Against

Against	For
others in this convention who have indicated very clearly by their speeches on the floor that they regard it as a fine political vehicle to stir up minority groups before the fall election and to promise them a heaven on earth by writing a new sentence into the fundamental law.	Discrimination that in considering this proposal the legislators have risen above party politics. Instead of appearing before the citizenry of the State of New York as party politicians, they have risen to the stature of statesmen in considering legislation that will do the most good for those who need the help of legislative enactment in their behalf.

6. IS IT A GOOD PUBLIC INVESTMENT?

Against	For
The adoption of the Ives-Quinn Bill by New York, with no similar legislation existing in other states, would result in the migration to this state of great masses of such people whose sole purpose in coming here would be to take advantage of this new type of social protection, and who would use all known types of racketeering in their efforts to harass and intimidate business for monetary gain.	Of course, in the first place, if business leaves New York there will be nothing to migrate to.
The results . . . are all about us — a ghost town here which was a thriving industrial community a few years ago; a shabby village there which only yesterday was spic and span and prosperous; and here is a larger city with industrial sites and buildings empty, a drug on the market.	As a labor man, let me say this — if I had any idea that any legislation would make for ghost towns, I would be the first one to oppose it, because we want jobs for our people; we want industry in our state, and labor is doing everything to see that industry remains in the state. If they exist, those "ghost towns" came into being without this particular legislation . . . mere anticipation has brought about the transposition from prosperous communities to "ghost towns."
The elaborate administrative procedures with penal sanctions contained in this bill are bound to create prejudice where it does not exist, increase it where it does exist, and, generally, aggravate and exaggerate religious and racial differences.	Each step of the way towards the ideal democratic goal was sharply assailed by the short-sighted critics, the prophets of fear of the day who predicted bloodshed, riot, and chaos. Those who now want to turn back the clock of civilization are singing the same doleful tunes their counterparts of despair did all the way from 1909. The record shows indisputably that their misgivings have been proved groundless. The danger of creating prejudices by a new law with a new commission is far less than letting present discrimination stand.
Burning resentment, which would result from the enforced employment of undesirable persons and from the co-	The race riots, etc., which are used as bogey men, occur only when men are hungry, in deep need, and in very

Against	For
ercion of one individual to employ another whom for any reason he does not wish to employ, would furnish fuel for intolerance and tend to foment, rather than to eliminate, the possibility of race riots, pogroms, and the evils associated with the Ku Klux Klan and the Silver Shirt organizations.	fear of their existence. By removing that chance of making a living, of segregating men in employment as well as in the opportunities of employment, as has been done in housing and other fields, you feed the fires of tensions. With regard to the fear that this legislation will result in prejudice, will result in increasing hostility to minorities, and will result in that kind of evil . . . . The striking thing is . . . everybody who has devoted really serious and constant effort to combating this kind of thing that is feared is in favor of this bill. If the fears were true, the groups that would principally suffer are in favor of the bill.
	Working with each other is a quicker antitoxin for the poison of prejudice than preaching at each other.
	As a general rule, whenever discrimination has been broken down, whether by good will of the employer, or by permission, or by governmental sanction, the tendency has been that the apprehensions which had previously caused the barriers have been broken down with the education of actual experience.
	The factory and office will become the schoolrooms wherein ancient prejudices will die.
	The record of the President's Committee on Fair Employment Practice speaks for itself in that not only has it not created racial discord and religious strife, but every complaint solved by it has succeeded in educating various diversified groups to work side by side in complete harmony.
This bill opens the door for every Communist, Fascist, Nazi, or anyone believing in other radical philosophies contrary to the principles of democracy, to obtain any key position in business and in the labor unions in this state. The treachery and atrocities of the Japs will remain in the memory of every American as long as civilization lasts. Nevertheless, New York State employers would be prosecuted for discriminating against them. Furthermore, this legislation is bound to draw every Jap into this state when the time comes . . . If I were a Jap agent whose duty it was to help reestablish the Japanese in the United	To refer to a particularly vicious and undemocratic appeal to racial prejudice made by some opponents of this bill who claim that its adoption would attract an undesirable element from outside the state . . . . In the first place, this bill will not create jobs but only provide for the more equitable distribution of jobs. It will not reduce the competition for jobs or the qualifications of workers. It is well known that the major incentive for migration is the existence of job opportunities; consequently, there is no reason to believe that migration will be abnormally increased by the passage of this bill.

Against	For
States after the end of this war, I would be looking for just this kind of legislation. Adopt this bill, gentlemen, and you will be playing into the hands of every un-American group!	Secondly, it appears to be no accident that New York ranks as the leading state in the United States in wealth, industry, and population and the fact that its population contains elements of every race, nationality, and creed. The presence of these people and the relatively greater freedom accorded them is one of the things that has made New York great.
Establish [es] a monstrous Gestapo to harass and threaten every employer, to invite informers, stimulate grievances, hire investigators, detectives, and agents provocateurs, clog up the courts and intensify every racial, religious, and minority issue.	The Gestapo . . . was and is the odious product of the whole false philosophy of racial imperialism and discrimination. We are trying to avert the Gestapo-forced system of saying to a man, "You cannot work for me because you are a Jew"; or "You cannot live with us, or in my apartment, because you are a Catholic," and "As for you, Negro, I won't have you in my zone in the city."

7. WHAT EFFECT WILL IT HAVE ON PUBLIC MORALE?

Against	For
The mere fact that legislation is rooted in good intentions and high social purposes does not mean that it will succeed. The 18th Amendment demonstrated that. That enactment too was hailed by its proponents as the greatest social advance of its time. But the results proved that in dealing with certain social problems, compulsion is a dangerous substitute for education.	Prohibition ran counter to national public opinion, and it failed, and bootlegging arose because people didn't feel that there was anything wrong about taking a drink, and did not believe that the law told them not to do something that had to be obeyed. The striking thing about this hearing . . . is that there has been unanimity on the point that discrimination in employment is wrong, and . . . this accords with the morals of the people, where prohibition ran contrary to the morals of the nation.
Why should this state be used as a proving ground for a social experiment? To adopt a law in New York State which would go beyond the provisions of a Federal act not yet passed would place New York State at a disadvantage with other states having less stringent laws on the subject. If racial and religious prejudice is affecting employer-employee relationships to the extent we are told, then it is quite obvious that every state in the Union is similarly affected — not alone New York State — and that the enactment of a Federal law would be more desirable if legislation is a preferred corrective measure.	I should also like to point out that the majority of people living in New York State belong to minorities. There are some 13 million people in our state, of whom 571,000 are Negroes, 2,206,000 are Jews, 2,917,000 foreign born, and about three million Catholics. These four largest minority groups comprise some 68 per cent of the people of our state. The remainder of our state are a minority of 32 per cent, and they are a unified group, but are made up of more than fifty different religious groups. It is clear, then, how disastrous discrimination in employment can be to a state such as ours, whose population is composed of so many different minorities.

Against	For
The harm which is likely to result to the country as well as to the State of New York, if the proposed legislation is adopted in this state and not in other states, by immigration from other states and by the accompanying changes such as additional problems of employment, relief, and housing, is so serious that the entire question ought to be submitted to the Council of State Governments, to the end that uniform legislation on this subject may be adopted in the several states if it is to be considered at all.	Not only is every part of the population in danger of discrimination, but discrimination against any one minority may rapidly spread to other minorities and undermine the whole fabric of democracy. In one way or another the impression is given that the proposed legislation attempts to regulate our mental attitudes towards social and racial equality or inequality. . . . The proposed law does not attempt to legislate the thoughts or mental attitudes of anyone — be they prejudiced or otherwise. The proposed law applies and may be enforced only in the field of employment. The states which have this proposed legislation are Massachusetts, Pennsylvania, New Jersey, Connecticut, and Michigan — they are at this moment considering similar legislation. If the evils of discrimination in employment are to be eliminated or at least greatly reduced, then it is up to the state to lead the way.
Just as the true cause of temperance was set back in this country, perhaps by a century or more, so the cause of minority groups may well be set back instead of being furthered by substituting legislation for education.	Denial of economic opportunity — jobs — has inevitably affected standards all the way down the line. It has produced lower standards of housing, lower standards of education, lower standards of health, lower standards in the whole scale of living, in the case of those who are the objects of discrimination. It is not only a question of justice that we are concerned with with respect to our minority groups, but it is also a question both during the war period and the postwar period of the fullest and most effective utilization of the manpower of America for winning the war, and for rebuilding our country in the days after the war, not simply a question of justice, but the effective utilization of the entire manpower of America. This means that instead of the racial conflict that followed the job adjustments of World War I, we would have here in this state a means whereby racial strife may be prevented, and an assurance that qualification and efficiency, instead of race and religion, be a basis for job security.
This legislation is another step in the dangerous and undemocratic trend toward regulation of everything we do and everything we think, of our goings and our comings and of even the	The means and the end contemplated by the bill are not revolutionary. They are merely a fresh declaration of the American faith that the U. S. of America is one nation, with liberty

Against

simplest events in our daily lives. The law is unrealistic and un-American.

For

and justice for all. It is said that the legislation is too idealistic. It is not anywhere near as idealistic as the baptism of this nation in the faith that all men are created free and equal. It is not anywhere near as idealistic as the sublime affirmation in the American Constitution that "We, the people," given freedom and opportunity, are able to conduct government, establish justice, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

All it does is to declare that there can be no second-class citizens in a true democracy, irrespective of their race or creed or color.

We must put into practice our great American creed recognizing the right of every person to equality of opportunity, according to his capacities, without distinction because of race, color, or creed.

The bill before the legislature implements and gives vitality to the basic provisions now in our state constitution.

The suppression of people of ability belonging to minority racial or religious groups does a profound disservice to society in general, as well as to the humiliated member of the minority group himself, and urgently requires remedial legislation.

It will give the citizens of our state a rallying point and an opportunity to throw off their old-time prejudices and forward democratic living and working in New York State.

Passage of the Ives-Quinn Bill is an essential step in the process of preserving economic freedom, which is fundamental to human liberty.

The man who refuses to employ a fellow man because of race or color or creed is striking at the foundations of American democracy, and is what has made this bill so timely.

There can be no such thing as freedom of American opportunity without equality of employment opportunity.

The test of democracy is the ability of the government to solve its minority problems. The passage of this bill will help to bring the wide gap between our professions of liberty and justice for all and the all-too-evident practice of certain parties who violate the American bill of rights.

V.

THE NEW YORK STATE "LAW AGAINST DISCRIMINATION"

EXECUTIVE DEPARTMENT
STATE COMMISSION AGAINST DISCRIMINATION

CHAPTER 118

AN ACT to amend the executive law, in relation to prevention and elimination of practices of discrimination in employment and otherwise against persons because of race, creed, color, or national origin, creating in the executive department a state commission against discrimination, defining its functions, powers, and duties and providing for the appointment and compensation of its officers and employees.

Became a law March 12, 1945, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty-three of the laws of nineteen hundred nine, entitled "An act in relation to executive officers, constituting chapter eighteen of the consolidated laws," is hereby amended by inserting therein, after article eleven, a new article, to be article twelve, to read as follows:

ARTICLE 12

State Commission Against Discrimination

Section 125. Purpose of article.
126. Opportunity for employment without discrimination a civil right.
127. Definitions.
128. State commission against discrimination.
129. General policies of commission.
130. General powers and duties of commission.
131. Unlawful employment practices.
132. Procedure.
133. Judicial review and enforcement.
134. Penal provision.
135. Construction.
136. Separability.

§ 125. *Purposes of article.* This article shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights; and the legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, or national origin are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is hereby created with power to eliminate and prevent discrimination in employment because of race, creed, color, or national origin, either by

employers, labor organizations, employment agencies, or other persons, and to take other actions against discrimination because of race, creed, color, or national origin, as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 126. *Opportunity for employment without discrimination a civil right.* The opportunity to obtain employment without discrimination because of race, creed, color, or national origin is hereby recognized as and declared to be a civil right.

§ 127. *Definitions.* When used in this article: 1. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

2. The term "employment agency" includes any person undertaking to procure employees or opportunities to work.

3. The term "labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or of other mutual aid or protection in connection with employment.

4. The term "unlawful employment practice" includes only those unlawful employment practices specified in section one hundred thirty-one of this article.

5. The term "employer" does not include a club exclusively social, or a fraternal, charitable, educational, or religious association or corporation, if such club, association, or corporation is not organized for private profit, nor does it include any employer with fewer than six persons in his employ.

6. The term "employee" and this article do not include any individual employed by his parents, spouse, or child, or in the domestic service of any person.

7. The term "commission," unless a different meaning clearly appears from the context, means the state commission against discrimination created by this article.

8. The term "national origin" shall, for the purposes of this article, include "ancestry."

§ 128. *State commission against discrimination.* There is hereby created in the executive department a state commission against discrimination. Such commission shall consist of five members, to be known as commissioners, who shall be appointed by the governor, by and with the advice and consent of the senate, and one of whom shall be designated as chairman by the governor. The term of office of each member of the commission shall be for five years, provided, however, that of the commissioners first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years.

Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Three members of the commission shall constitute a quorum for the purpose of conducting the business thereof. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

Each member of the commission shall receive a salary of ten thousand dollars a year and shall also be entitled to his expenses actually and necessarily incurred by him in the performance of his duties.

Any member of the commission may be removed by the governor for inefficiency, neglect of duty, misconduct, or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

§ 129. *General policies of commission.* The commission shall formulate policies to effectuate the purposes of this article and may make recommendations to agencies and officers of the state or local subdivisions of government aid of such policies and purposes.

§ 130. *General powers and duties of commission.* The commission shall have the following functions, powers, and duties: 1. To establish and maintain its principal office in the city of Albany, and such other offices within the state as it may deem necessary.

2. To meet and function at any place within the state.

3. To appoint such attorneys, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

4. To obtain upon request and utilize the services of all governmental departments and agencies.

5. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this article, and the policies and practice of the commission in connection therewith.

6. To receive, investigate, and pass upon complaints alleging discrimination in employment because of race, creed, color, or national origin.

7. To hold hearings, subpoena witnesses compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners.

No person shall be excused from attending and testifying or from producing records, correspondence, documents, or other evidence in obedience to the subpoena of the commission or of any individual commissioner, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

8. To create such advisory agencies and conciliation councils, local, regional, or state-wide, as in its judgment will aid in effectuating the purposes of this article and of section eleven of article one of the constitution of this state, and the commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, creed color, or national origin, and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance.

9. To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, creed color, or national origin.

10. To render each year to the governor and to the legislature a full written report of all its activities and of its recommendations.

11. To adopt an official seal.

§ 131. *Unlawful employment practices.* It shall be an unlawful employment practice: 1. For an employer, because of the race, creed, color, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions, or privileges of employment.

2. For a labor organization, because of the race, creed, color, or national origin of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

3. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, or national origin, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification.

4. For any employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden under this article or because he has filed a complaint, testified, or assisted in any proceeding under this article.

5. For any person, whether an employer or an employee or not, to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this article, or to attempt to do so.

§ 132. *Procedure.* Any person claiming to be aggrieved by an alleged unlawful employment practice may, by himself or his attorney-at-law, make, sign, and file with the commission a verified complaint in writing which shall state the name and address of the person, employer, labor organization, or employment agency alleged to have committed the unlawful employment practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The industrial commissioner or attorney-general may, in like manner, make sign, and file such complaint. Any employer whose employees, or some of them, refuse or threaten to refuse to cooperate with the provisions of this article, may file with the commission a verified complaint asking for assistance by conciliation or other remedial action.

After the filing of any complaint, the chairman of the commission shall designate one of the commissioners to make, with the assistance of the commission's staff, prompt investigation in connection therewith; and if such commissioner shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, he shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation, and persuasion. The members of the commission and its staff shall not disclose what has transpired in the course of such endeavors. In case of failure so to eliminate such practice, or in advance thereof if in his judgment circumstances so warrant, he shall cause to be issued and served in the name

of the commission, a written notice, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization, or employment agency named in such complaint, hereinafter referred to as respondent, to answer the charges of such complaint at a hearing before three members of the commission, sitting as the commission, at a time and place to be specified in such notice. The place of any such hearing shall be the office of the commission or such other place as may be designated by it. The case in support of the complaint shall be presented before the commission by one of its attorneys or agents, and the commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he participate in the deliberations of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence. The respondent may file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. In the discretion of the commission, the complainant may be allowed to intervene and present testimony in person or by counsel. The commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed. If, upon all the evidence at the hearing, the commission shall find that a respondent has engaged in any unlawful employment practice as defined in this article, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including (but not limited to) hiring, reinstatement, or upgrading of employees, with or without back pay, or restoration to membership in any respondent labor organization, as, in the judgment of the commission, will effectuate the purposes of this article, and including a requirement for report of the manner of compliance. If, upon all the evidence, the commission shall find that a respondent has not engaged in any such unlawful employment practice, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. A copy of its order shall be delivered in all cases to the industrial commissioner, the attorney-general, and such other public officers as the commission deems proper. The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure and its own actions thereunder. Any complaint filed pursuant to this section must be so filed within ninety days after the alleged act of discrimination.

§ 133. *Judicial review and enforcement.* Any complainant, respondent, or other person aggrieved by such order of the commission may obtain judicial review thereof, and the commission may obtain an order of court for its enforcement, in a proceeding as provided in this section. Such proceeding shall be brought in the supreme court of the state within any county wherein the unlawful employment practice which is the subject of the commission's order occurs or wherein any person required in the order to cease and desist from an unlawful employment practice or to take other affirmative action resides or transacts business. Such proceeding shall be initiated by the filing of a petition in such court, together with a written transcript of the record upon the hearing before the commission, and the issuance and service of a notice of motion returnable at a special term of such court. Thereupon the court shall have jurisdiction of the proceeding and of the questions determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript

an order enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission. No objection that has not been urged before the commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. Any party may move the court to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows reasonable grounds for the failure to adduce such evidence before the commission. The findings of the commission as to the facts shall be conclusive if supported by sufficient evidence on the record considered as a whole. All such proceedings shall be heard and determined by the court and by any appellate court as expeditiously as possible and with lawful precedence over other matters. The jurisdiction of the supreme court shall be exclusive and its judgment and order shall be final, subject to review by the appellate division of the supreme court and the court of appeals in the same manner and form and with the same effect as provided in the civil practice act for appeals from a final order in a special proceeding. The commission's copy of the testimony shall be available at all reasonable times to all parties for examination without cost and for the purpose of judicial review of the order of the commission. The appeal shall be heard on the record without requirement of printing. The commission may appear in court by one of its attorneys. A proceeding under this section when instituted by any complainant, respondent or other person aggrieved must be instituted within thirty days after the service of the order of the commission.

§ 134. *Penal provision.* Any person, employer, labor organization, or employment agency, who or which shall willfully resist, prevent, impede, or interfere with the commission or any of its members or representatives in the performance of duty under this article, or shall willfully violate an order of the commission, shall be guilty of a misdemeanor and be punishable by imprisonment in a penitentiary, or county jail, for not more than one year, or by a fine of not more than five hundred dollars, or by both; but procedure for the review of the order shall not be deemed to be such willful conduct.

§ 135. *Construction.* The provisions of this article shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this article shall be deemed to repeal any of the provisions of the civil rights law or of any other law of this state relating to discrimination because of race, creed, color, or national origin; but, as to acts declared unlawful by section one hundred thirty-one of this article, the procedure herein provided shall, while pending, be exclusive; and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this article, he may not subsequently resort to the procedure herein.

§ 136. *Separability.* If any clause, sentence, paragraph, or part of this article or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this article.

§ 2. Existing article twelve of such chapter, as added by chapter eight hundred fifty-four of the laws of nineteen hundred forty-one and renumbered by chapter five of the laws of nineteen hundred forty-four, section one hundred forty-four having been amended by chapter two hundred sixteen of the laws of nineteen hundred forty-two, is hereby renumbered article twelve-a.

§ 3. This act shall take effect July first, nineteen hundred forty-five.

STATE OF NEW YORK, Department of State. } ss:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

THOMAS J. CURRAN,
Secretary of State

VI.

TWO RECENT UNITED STATES SUPREME COURT DECISIONS FORBIDDING LABOR UNIONS FROM DISCRIMINATING AGAINST WORKERS SOLELY ON THE BASIS OF RACE, COLOR, OR CREED

(a)

The New York Civil Rights Law provides that no labor organization may, directly or indirectly, deny a person membership in its organization by reason of his race, color, or creed or by reason thereof deny such person equal treatment with all other members in any designation of members to any employer for employment, promotion or dismissal. (Section 43, N. Y. *Consolidated Laws*, Ch. 6).

The Railway Mail Association, an affiliate of the American Federation of Labor, with a membership of some 22,000 regular and substitute postal clerks of the United States Railway Mail Service and 213 branch offices in New York, limited its membership to eligible postal clerks who are of the Caucasian race, or native American Indians.

Applicants for membership are required to state, in writing, their race or color. When one of its branch associations attempted to admit into its membership persons not of the Caucasian race, the main office rejected the applications.

The Industrial Commissioner of the State of New York, who is charged with the enforcement of Civil Rights Law, threatened to invoke the penalties of the statutes against the union, whereupon the union sought an injunction in the state court to prevent such action, asserting that the law was unconstitutional. The Court of Appeals decided against the union. An appeal was taken by the union to the United States Supreme Court. There the union contended that the New York statute offends the due process clause of the Fourteenth Amendment to the Federal Constitution as an interference with its right of selection to membership and abridgment of its property rights and liberty of contract. The Supreme Court dismissed these arguments thus:

> We have here a prohibition of discrimination in membership or union services on account of race, creed, or color. A judicial determination that such legislation violated the Fourteenth Amendment would be a distortion of the policy manifested in that amendment, which was adopted to prevent state legislation designed to perpetuate discrimination on the basis of race or color. We see no constitutional basis for the contention that a state cannot protect workers from exclusion solely on the basis of race, color, or creed by an organization, functioning under the protection of the state, which holds itself out to represent the general business needs of employees.
> (4) To deny a fellow employee membership because of race, color, or creed may operate to prevent that employee from having any part in the determination of labor policies to be promoted and adopted in the industry and deprive him of all means of protection from unfair treatment arising out of the fact that the terms imposed by a dominant

union apply to all employees, whether union members or not. In their very nature, racial and religious minorities are likely to be so small in number in any particular industry as to be unable to form an effective organization for securing settlement of their grievances and consideration of their group aims with respect to conditions of employment. The fact that the employer is the government has no significance from this point of view. (Railway Mail Ass'n v. Corsi, 326 U. S. 88, 65 S. Ct. 1483; see Editorial, The New York Law Journal, July 22, 1946, p. 124.)

One of the associate justices in a separate concurring opinion wrote:

Apart from other objections, which are too unsubstantial to require consideration, it is urged that the due process clause of the Fourteenth Amendment precludes the State of New York from prohibiting racial and religious discrimination against those seeking employment. Elaborately to argue against this contention is to dignify a claim devoid of constitutional substance. Of course a state may leave abstention from such discriminations to the conscience of individuals. On the other hand, a state may choose to put its authority behind one of the cherished aims of American feeling by forbidding indulgence in racial or religious prejudice to another's hurt. To use the Fourteenth Amendment as a sword against such state power would stultify that amendment. Certainly the insistence by individuals on their private prejudices as to race, color, or creed, in relations like those now before us, ought not to have a higher constitutional sanction than the determination of a state to extend the area of nondiscrimination beyond that which the Constitution itself exacts.

The Appellate Division of the New York State Supreme Court failed to find in Section 43 of the Civil Rights Law, or its application to the union in question, any violation of the State or Federal Constitution. Said the court:

Quite the contrary. It is an effort to prevent racial and religious discrimination in all labor organizations operating within the state. (267 App. Div. 470, 474; affirmed 293 N. Y. 815.)

(b)

In another recent case the United States Supreme Court ruled that a Negro railway fireman who was ineligible for membership in the union chosen by the majority of his craft as bargaining representative under the Federal Railway Labor Act, and who was discriminated against in contracts between the bargaining representative and the railroad in favor of white firemen, could properly invoke the protection of the court.

An injunction was granted against the union, and its members were prevented from taking the benefit of such discriminatory action. The court also ruled that the railroad is not bound or entitled to take the benefit of a contract which contains such discriminatory arrangements.

The Brotherhood of Locomotive Firemen and Enginemen is the official bargaining agent for all railroad firemen employed by the Louisville and Nashville Railroad Company and twenty other railroads operating principally in the southeastern part of the United States. The Brotherhood (a union) by its constitution excludes Negroes from membership.

The union, purporting to act as representative of the entire craft of firemen, without informing the Negro firemen or giving them a chance to be heard, served notice on the Louisville and Nashville Railroad Company and other railroads in the section that it desired to amend the existing collective bargaining agreement in such a way as to exclude all Negro firemen from the service.

About a year later an agreement was made between the union and the railroads which provided that not more than 50 per cent of the firemen in each class of service shall be Negroes and that until such percentage should be reached all new runs and

all vacancies should be filled by white men. It further provided that Negroes shall not be employed in any district in which persons of that race were not then working.

Protests to the union and to the railroad, by Negro firemen, thus discriminated against, having been ignored, a Negro fireman brought action in the Alabama state court for an injunction against the union and the railroads. The local court dismissed the action, holding that no right of Negro employees had been violated by the discrimination complained of. (Steele v. Louisville & N. Railroad Co., 245 Ala. 113)

On appeal, the United States Supreme Court set aside the ruling of the Alabama tribunal. It held that since the Railway Labor Act imposes on railway employees (white and black alike) the legal duty of complying with the terms of any contract entered into by the craft's representative, then there is a corresponding duty on the part of the union as such representative to protect the rights, equally, of those for whom it acts, members and nonmembers alike. The Chief Justice said:

> . . . we think that Congress, in enacting the Railway Labor Act and authorizing a labor union, chosen by a majority of a craft, to represent the craft, did not intend to confer . . . power upon the union to sacrifice, for the benefit of its members, rights of the minority of the craft, without imposing on it any duty to protect the minority.
> . . . the discriminations based on race alone are obviously irrelevant and invidious. Congress plainly did not undertake to authorize the bargaining representative to make such discriminations.

In a strong concurring opinion, one of the associate justices said:

> The Constitution voices its disapproval whenever economic discrimination is applied under authority of law against any race, creed, or color. A sound democracy cannot allow such discrimination to go unchallenged. Racism is far too virulent today to permit the slightest refusal, in the light of a Constitution that abhors it, to expose and condemn it wherever it appears in the course of a statutory interpretation. (Steele v. Louisville & N. R. R. Co., 323 U. S. 192; 65 S. Ct. 226.)

VII.

BIBLIOGRAPHY

New York State Legislature. *Hearing on Assembly Introductory* 883, *Assembly Print* 1138 . . . *Before the Assembly Ways and Means Committee and Senate Finance Committee.* February 20, 1945. 555 pp. The record of a unique and historic hearing.

——*Senate Bill, No.* 1993, *Int.* 1693. March 8, 1944. 16 pp. The famous "Wicks" bill.

New York State. Temporary Commission Against Discrimination. *Public Hearings.* November 27, November 28, November 29, November 30, December 4, December 5, December 6, 1944. 3 v. 1,567 pages of the arguments, statements, explanations, and opinions offered on the tentative legislation of the Temporary Commission.

——*Report of the New York State Temporary Commission Against Discrimination.* Albany, 1945. (Legislative Document, 1945, No. 6). 88 pp. A complete report of all work done by the Temporary Commission, including the proposed legislative bills and comments on their provisions, legality, etc.

——*Tentative Proposals Under Consideration by the State Commission Against Dis-*

crimination. (2 bills) 12 pp.; 2 pp. The bills sent to those invited to attend the public hearings.

New York State. Temporary Commission on the Condition of the Urban Colored Population. *Second Report.* Albany, 1939. (Legislative Document, 1939, No. 69). 163 pp. A valuable report which also summarizes the first year's work.

New York State. War Council. *Annual Reports,* 1941, 1942, 1943, 1944. 4 v. Include the reported activities of the Committee on Discrimination in Employment.

New York State. War Council. Committee on Discrimination in Employment. *Digest and Analysis of Existing and Proposed Laws Dealing with Discrimination,* September 1, 1944. 42 pp. Examines the policies and laws of New York State and the Federal government dealing with discrimination.

——*First Quarterly Report;* January, February, March, 1945. 48 pp. Gives the facts and figures of these months' investigations and deals with the significance of the Ives-Quinn law.

——*How Management Can Integrate Negroes in War Industries.* Prepared by John A. Davis. 1942. A valuable handbook.

——*Laws of New York and Other States Dealing with Racial and Religious Discrimination.* September 9, 1944. A topical listing of statistics.

——*Laws of the State of New York Prohibiting Discrimination on Account of Race, Creed, Religion, Color, or National Origin,* compiled by Bernard Gittelson. July 5, 1944. 13 pp.

——*Negro Integrated,* by Nicholas S. Falcone. 1945. 35 pp. The result of three years of practical experience on the subject.

——*Population of the State of New York,* prepared by Bernard Gittelson. December 10, 1943. 5 pp. The population of the state by counties, cities, and races.

——*Preliminary Survey of Intercultural Education in Public Schools in New York State.* September 10, 1944. 36 pp. Examines intercultural education in New York State public schools and those of other cities.

——*Report, March,* 1941, *to July,* 1944. 145 pp. A somewhat detailed account of the activities of the Committee on Discrimination in Employment, prepared for the Temporary Commission Against Discrimination.

——*Research Conducted for Sub-Committee on Education.* November 16, 1944. 28 pp. Inquiries on steps that should be taken in education against discrimination.

——*State Civil Rights Acts.* 1944. 14 pp. Civil rights provisions, pertaining to discrimination, in the statutes of states throughout the nation.

VIII.

SUGGESTED READING MATERIAL

American Academy of Political and Social Science. "Minority Peoples in a Nation at War." *Annals,* September 1942, Philadelphia, Pennsylvania.

——"Refugees." *Annals,* May, 1939, Philadelphia, Pennsylvania.

American Council on Race Relations, *"State FEPC — What the People Say,"* Chicago, Ill., April, 1945.

Brown, F. J., and Roucek, J. S., eds. *Our Racial and National Minorities; Their History, Contributions and Present Problems.* rev. ed. New York, Prentice-Hall, 1945. 717 pp.

Chenault, L. R. *The Puerto Rican Migrant in New York City.* New York, Columbia University Press, 1938. 190 pp.

Childs, J. L. 1943. *Italian or American? Second Generation in Conflict.*

Feldman, Herman. *Racial Factors in American Industry.* New York, Harpers, 1931. 318 pp.
Gamio, Manuel. *Mexican Immigration to the United States; a Study of Human Migration and Adjustment.* Chicago, University of Chicago Press, 1930. 262 pp.
Hargood, J. A. *Tragedy of German-America.* 1940.
Hunt, A. Bruce, *The Proposed Fair Employment Practice Act; Facts and Fallacies,* 32 Virginia Law Review, pp. 1-38, Dec., 1945.
Levinger, L. J. *A History of the Jews in the United States.* Cincinnati, Union of American Hebrew Congregations, 1932. 547 pp.
MacIver, R. M., ed. *Group Relations and Group Antagonisms.* New York, Harpers, 1944. 237 pp.
McWilliams, Carey. *Brothers Under the Skin.* Boston, Little, Brown & Co., 1943. 325 pp.
——*How About Our Japanese Americans?* Public Affairs Pamphlet, 1944.
——*Prejudice; Japanese-Americans: Symbol of Racial Intolerance.* Boston, Little, Brown & Co., 1945. 337 pp.
Markowitz, S. H. *Leading a Jewish Life in the Modern World.* Cincinnati, Union of American Hebrew Congregations, 1942. 320 pp.
Myrdal, Gunnar. *An American Dilemma; the Negro Problem and Modern Democracy.* New York, Harpers, 1944. 2 vols.
Northrup, H. R. *Organized Labor and the Negro.* New York, Harpers, 1944. 312 pp.
Report, N. Y. State Commission Against Discrimination,*Review of First Year's Operation,* July, 1945, to July, 1946.
Roberts, E. F. *Ireland in America.* New York, G. Putnam's Sons, 1931. 218 pp.
Saenger, Gerhart. *Today's Refugees, Tomorrow's Citizens; a Story of Americanization.* New York, Harpers, 1941. 286 pp.
Spero, S. D., and Harris, A. L. *The Black Worker.* New York, Columbia University Press, 1931. 509 pp.
Survey Graphic. "Calling America." February, 1939, issue. (The Challenge to Democracy).
——"Color, the Unfinished Business of Democracy." November, 1942, issue.
Wilson, Abraham, *The Proposed Legislative Death Knell of Private Discriminatory Employment Practices,* 31 Virginia Law Review, pp. 798-811, Sept., 1943.
Xenides, J. P. *The Greeks in America.* New York, George H. Doran Co., 1922. 160 pp.
Young, D. R. *American Minority Peoples; a Study in Racial and Cultural Conflicts in the United States.* New York, Harpers, 1932. 621 pp.

IX. NOTES

1. N. Y., Laws of 1945, ch. 118; N. Y. Executive Law, Sections 125-136.
2. N. Y. Civil Rights Law, Sections 13, 40, 41; N. Y. Judiciary Law, Section 467; N. Y. Education Law, Section 920.
3. N. Y. Penal Law, Section 1191.
4. N. Y. Penal Law, Section 514.
5. N. Y. Civil Rights Law, Sections 40-a, 42.
6. N. Y. Labor Law, Section 220-e; N. Y. Tax Law, Section 4, subd. 6.
7. N. Y., Laws of 1937, ch. 858.
8. N. Y. Const., Art. I, Section 11.
9. Unrevised record of N. Y. Constitutional Convention, 1938, at p. 1120, et seq.
10. N. Y. Laws, 1938, ch. 677.
11. N. Y. Civil Rights, Law, Section 14-b.
12. N. Y. Public Housing Law, Section 223.
13. Temp. Com. on Condition of Urban Colored Pop., 2nd Report, Feb., 1939, pp. 163-190.
14. N. Y. Civil Service Law, Section 14-c; N. Y. Civil Rights Law, Section 40; Penal Law, Section 514.
15. N. Y. Civil Rights Law, Section 43; N. Y. Penal Law, Section 772-a.
16. N. Y., Laws 1941, ch. 22.
17. N. Y. Legislative Document (1945) No. 6, p. 21.
18. N. Y. Penal Law, Sections 700, 701.
19. N. Y. Civil Rights Law, Sections 44, 45; N. Y. Penal Law, Section 514.
20. N. Y., Laws 1942, ch. 544.
21. Report, N. Y. Temp. Com. Against Discrimination, Leg. Doc. (1945) No 6, p. 21.
22. Preparel by John A. Davis, Albany, 1942; 43 pp.
23. N. Y. Civil Rights Law, Section 45.
24. N. Y. Times, Aug. 5, 1943, p. 36.
25. N. Y. Alcoholic Beverage Control Law, Section 65.
26. N. Y. Senate, Int. No. 1692.
27. N. Y. Senate, Int. No. 1693
28. N. Y. Times, March 18, 1944, p. 1.
29. N. Y., Laws 1944, ch. 692.
30. N. Y. Times, March 27, 1944, p. 19.
31. N. Y., Laws 1944, ch. 692.

As a part of its educational program, the Young Men's Christian Association circulates and publishes books and pamphlets that will help individuals and groups develop for themselves an understanding of the problems of Christian personality and a Christian society, and will motivate them to effective conduct and action.

In accordance with the long established policy of the National Council of Young Men's Christian Associations, its publications frequently include opinions representing differing and sometimes conflicting viewpoints on controversial issues. Unless specifically so stated, views expressed are not to be taken as declarations of official attitudes or policies of the Young Men's Christian Associations.

Copyright, 1946,
By The International Committee
of
Young Men's Christian Associations

NC-FEPC
Jnl

NATIONAL COUNCIL FOR A PERMANENT FEPC
930 F STREET, N. W., - ROOM 901
WASHINGTON, D. C.

March 31, 1947

NEWS FLASH AND CALL TO ACTION!

TO ALL FRIENDS OF FEPC:

A NEW BILL (S. 984 in the Senate, HR. 2820 and 2824 in the House) FOR A PERMANENT FEPC (NATIONAL COMMISSION AGAINST DISCRIMINATION IN EMPLOYMENT) WAS INTRODUCED IN CONGRESS ON MARCH 27.

The sponsors include: Senators Ives, (R., N. Y.,); Chavez (D. N. Mex.); Downey (D., Calif.); Morse (R., Ore.); Murray (D., Mont.); Myers (D., Pa.); Saltonstall (R., Mass.); and Smith (R., N. J.,); and in the House by Representatives Fulton (R., Pa.); and Norton (D., N. J.,).

The bill has been streamlined to increase likelihood of passage, BUT WITHOUT WEAKENING THE PROVISIONS FOR ENFORCEMENT. It has the support of all minority groups and of labor, church and civic welfare groups. Both major parties are pledged to Fair Employment. The UN Charter obligates the U.S.A. to Fair Employment.

THE NEXT STEP IS TO GET HEARINGS BY THE SENATE LABOR COMMITTEE.

From here on, the fate of the Bill is in your hands. A nationwide ground swell of demand for hearings, for action on the Senate floor, and in the House will get action. Nothing else will. What are you willing to do? How much? In time? In effort? In money? Starting when? Please let us know at once.

The National Council for a Permanent FEPC has spent months in developing an improved bill. The Council has succeeded in having the bill introduced with bi-partisan sponsorship. This strong sponsorship makes enactment possible at this session. We will continue to work here in Washington and to furnish information and suggestions to friends of Fair Employment throughout the Nation. But success or failure lies with citizens themselves. How much do you want Fair Employment?

IF YOU WANT ACTION NOW, FILL OUT THE FORM BELOW AND MAIL TODAY. UNLESS WE HEAR FROM YOU, THIS IS THE LAST MAILING YOU WILL RECEIVE. EVERY FEPC DOLLAR MUST RISE AND FIGHT FOR ENACTMENT OF THE NEW BILL NOW.

ALLAN KNIGHT CHALMERS, A. PHILIP RANDOLPH

Co-Chairmen, National Council for a Permanent FEPC.

_____(tear off and mail)_____

NATIONAL COUNCIL FOR A PERMANENT FEPC
930 F STREET, N.W., WASHINGTON 4, D. C.

Please send me 1. All Press Releases on the fight for the bill☐ 2. Comparison of the new FEPC Bill with earlier bills☐ 3. Suggestions for local action to speed enactment☐ 4. Samples of material to promote the bill☐ 5. Special information on the bill as I may request☐

- - - - - - - -

I contribute (or pledge) herewith $_____for the work of the National Council for a Permanent FEPC (Make checks or money orders paybale to Wm. Jay Schieffelin, Treasurer)

NAME _____ ORGANIZATION _____

NUMBER OF MEMBERS _____ ADDRESS _____

NC-FEPC
Gen

National Council for a Permanent FEPC
930 F Street, N. W., Room 901

Washington, March ___ 1947

FRIENDS OF FEPC!! NEWS FLASH AND CALL TO ACTION!!

A NEW BILL FOR A PERMANENT FEPC HAS BEEN INTRODUCED IN THE 80TH CONGRESS.

The sponsors in the Senate are:_____
(insert names, party, state)

_____

The bill has been streamlined to increase likelihood of passage, BUT WITHOUT WEAKENING THE PROVISIONS FOR ENFORCEMENT. It has the support of all minority groups and of labor, church and civic welfare groups. Both major parties are pledged to FEPC. The UN Charter obligates the U.S.A. to FEPC.

THE NEXT STEP IS TO GET HEARINGS BY THE SENATE LABOR COMMITTEE

From here on, the fate of the Bill is in your hands. A nationwide groundswell of demand for hearings, for action on the Senate floor, and in the House will get action. Nothing else will. What are you willing to do? How much? In time? In effort? In money? Starting when? Please let us know at once.

The National Council for a Permanent FEPC has spent months in developing an improved bill. The Council has succeeded in having the bill introduced with bi-partisan sponsorship. This strong sponsorship makes enactment possible at this session. We will continue to work here in Washington and to furnish information and suggestions to friends of FEPC throughout the Nation. But success of failure lies with citizens themselves. How much do you want FEPC?

IF YOU WANT A PERMANENT NATIONAL FEPC NOW, FILL OUT THIS FORM AND MAIL TODAY: UNLESS WE HEAR FROM YOU, THIS IS THE LAST MAILING YOU WILL RECEIVE. EVERY FEPC DOLLAR MUST RISE AND FIGHT FOR ENACTMENT OF THE NEW BILL NOW

_____(tear off and mail)_____

NATIONAL COUNCIL FOR A PERMANENT FEPC
930 F Street, N.W., Washington 4, D. C.

Please send me 1. All Press Release on the fight for the bill ☐ 2. Comparison of the new FEPC Bill with earlier bills ☐ 3. Suggestions for local action to speed enactment ☐ 4. Samples of material to promote the bill ☐ 5. Special information on the bill as I may request ☐

I contribute (or pledge) herewith $_____ for the work of the National Council for a Permanent FEPC (Make checks or money orders payable to Wm. Jay Schieffelin, Treasurer)

_____ _____
Name Organization

_____ _____
Number of members Address

NATIONAL COUNCIL
for a
PERMANENT FAIR EMPLOYMENT PRACTICE COMMITTEE

930 F STREET, N. W., WASHINGTON 4, D. C.
TELEPHONE EXECUTIVE 2233

Honorary Chairmen
SENATOR ARTHUR CAPPER
SENATOR ROBERT F. WAGNER

Co-Chairmen
REV. ALLAN KNIGHT CHALMERS
A. PHILIP RANDOLPH

Chairman, Executive Committee
ROY WILKINS

Treasurer
WILLIAM JAY SCHIEFFELIN

Executive Secretary
ELMER W. HENDERSON

August 14, 1947

NEWS ON THE FEPC BILL

Dear FEPC Co-Worker:

Hearings Completed in Senate

Hearings on S.984, the National Act Against Discrimination in Employment were completed on July 18. A group of distinguished citizens including religious, labor, racial and civic leaders spoke strongly in favor of our bill. Among these were: A. Philip Randolph, Co-Chairman of National Council for a Permanent FEPC; William Green, President, American Federation of Labor; Walter Reuther, President, United Auto Workers, CIO; Paul Williams, President, Southern Regional Council; Father Edward Cardinal who presented a statement by Bishop Bernard J. Sheil of the Chicago Archdiocese; Dr. Stephen S. Wise, President, American Jewish Congress; Dr. Beverly Boyd of the Federal Council of Churches; Frank Goldman, President of B'nai B'rith; Roy Wilkins, Assistant Executive Secretary, National Association for the Advancement of Colored People; Rabbi William Rosenbloom, President of the Synagogue Council of America; Mayor Hubert H. Humphries of Minneapolis; Julius A. Thomas, Industrial Secretary, National Urban League; Henry Epstein, Chairman, National Community Relations Advisory Council; Irving Salert, Jewish Labor Committee; Henry C. Turner, former Chairman, New York State Commission Against Discrimination; Miss E. Pauline Myers, I.B.P.O.E. of W; Gilbert Harrison, National Vice Commander, American Veterans Committee; Rev. Sandy Ray, National Baptist Convention, Inc; Col. Charles Schottland, Jewish War Veterans; Mike Masaoka, Japanese-American Citizens League; Joseph Kovner, American Civil Liberties Union; Mrs. H. Wolfe of the National Council of Jewish Women and Joseph Bustard, Deputy Director, New Jersey State Department of Education. A statement was submitted on behalf of Judge Joseph H. Proskauer, Chairman, American Jewish Committee. Many others spoke or sent in statements but it is impracticable to list them all here.

The testimony of these and other witnesses gave a well-rounded picture of the tremendous support for this legislation throughout the country and the many and reasoned arguments in its favor.

In opposition to the bill were Representative John Rankin and Governor Fielding T. Wright of Mississippi. The latter was then engaged in a campaign for re-election. Others were Tyre Taylor, attorney for the Southern States Industrial Council which tried to wreck the Fair Employment Practice Committee during the war and Paulsen Spence of Baton Rouge, Louisiana.

The full testimony is being printed by the Senate Labor Committee. Copies should be available very soon. We are preparing a summary of the hearings here which should be ready in the early fall.

Our most severe shock, and what has already proved to be a damaging blow, was the proposed amendment to the bill which Senator H. Alexander Smith, a co-sponsor and one of its authors, put forth "for discussion purposes." It would permit state legislatures to act to exempt their states from the enforcement provisions of the bill. Senator Smith asked each witness his opinion of the amendment and practically all of the proponents of our bill gave a strong "No." Not only would Senator Smith's amendment be a bad precedent for all federal legislation but would give the veto power to southern legislatures whose democratic mandates and intent are highly questionable inasmuch as they are based on an arbitrarily restricted electorate due to the poll-tax and Negro disfranchisement.

Committee Action and Present Status of Bill

S-984 was acted upon by the sub-committee after the hearings and referred to the full Senate Labor Committee with a recommendation for "further study." In view of the fact that three of the five members of the sub-committee were sponsors of our bill there is no doubt but that there would have been a flat recommendation for favorable action had not Senator Smith muddied the waters in the way he did. Senator Taft announced that the full Labor Committee had accepted and adopted the sub-committee statement expressing agreement on the general purposes of the bill but not on all of its provisions and therefore was holding the bill in committee until January when amendments may be offered by members of the committee. Thus, Senator Smith played right into the hands of Senator Ellender, leader of the southern opposition, who probably would not have been able to secure the delay on his own account. A full analysis of this sordid episode was made by Co-Chairman Randolph and released soon after the recess. A copy will be sent you on request.

We intend to expose such maneuvers, cloaked as they may be with good intentions, whenever they occur.

Our bill, then, is now in the full Senate Labor Committee and we are urging that it be voted out immediately after Congress reconvenes in January. In the House, the bill, sponsored by eight Representatives, is in the House Labor Committee of which Congressman Fred C. Hartley of New Jersey is the Chairman. We are urging that action be taken in the House in January likewise. Of course, if Congress is re-called earlier we will ask that our bill be acted upon at that time.

The Congressional Recess in July makes no difference in the status of the bill and when Congress returns it will take up where it left off its consideration of the FEPC and other measures.

Action Program During Recess

The aim of the National Council and its local affiliates is to carry out a campaign of mobilization of every possible source of support for the permanent FEPC bill all over the country. This includes the building of local councils in every large city and committees in every Congressional district where they can be organized. Our bill will pass or fail on the strength of our public support. Favorable attitudes, potential effort or latent activity will not be enough. This bill must be an issue throughout the country and all individuals and groups who have favored it must work actively for it.

During the recess we ask you and your organization to:

1). Canvass your Congressman for his support of S.984 and HR. 2824 and companion bills. If he is in favor of it, ask him to do all he can to get action on it when Congress returns and to win friends for it among his colleagues. If he is non-commital or opposed, use every reasonable technique at your command to win him over. We have found two major handicaps in Congress: Congressmen often do not have time to become familiar with all the bills they are called upon to consider and frequently are won over to a measure by the fact that it is important to a considerable number of their constituents. Have a small, well-informed delegation of key constituents visit your Congressman while at home. Explain the purpose of the bill, its provisions and its importance. Above all, point out the many groups that are in favor of it. Please let us know his attitude on the bill as soon as possible.

During your canvass, register your opposition to any crippling amendments such as that of Senator Smith and another that is being rumored of placing enforcement in the hands of local officials. It has been clearly demonstrated that an Act of this nature can best be administered by a Commission of sympathetic and competent public servants who have a national, not a local, approach to the problem and whose orders are enforceable by the Courts.

We are preparing an analysis of the probable attitude of your Senators and will send it to you soon for your information and use.

We are depending on you completely for the preliminary House canvass.

2). Contact your local political leaders in both parties. Ask them to endorse the bill and to use their influence with Congressmen and Senators toward its passage. The choice of many voters in 1948 will be based solely on FEPC. Let them know this.

3). Strengthen the organization of your local council if there is one in your city. If none, explore the possibility of creating one. The nucleus of local councils can be formed from branches of national organizations that have supported our bill. Write for a list and any other information you need. We will be glad to send it.

4). Secure endorsement for the bill by top civic, religious, business, labor and professional leaders. Ask all important and friendly organizations to pass resolutions urging passage of S.984 and HR.2824. Publicize all of these and let us know about them. They are extremely valuable.

5). Publicize the bill through every available channel. Brief, but pointed letters to the newspapers are always helpful.

Literature

Enclosed herewith you will find a reprint from the Congressional Record which gives the text of the new FEPC bill, a summary of its provisions and a comparison with our bill in the last (79th) Congress. Write us for additional copies if you need them.

We will soon have available in large quantities a pamphlet on the National Council reviewing the highlights of our efforts to obtain a permanent FEPC and a Congressional Record reprint of Questions and Answers on S. 984.

Fund Raising

Through the efforts of Co-Chairman A. Philip Randolph and other members of our Board of Directors we have recently received more than $15,000.00 in contributions from trade unions, religious and civic organizations and public spirited individuals. This is very encouraging and demonstrates the real support that exists for fair employment in many groups and areas. But this is only a beginning and does not begin to meet the requirements of this nation-wide effort.

We urge you and your organization to make a special effort to assist the National Council in the coming months.

Send Us Current Evidence of Discrimination

It is important that we keep informed here of any new evidence of employment discrimination that may develop and estimates of disproportionate unemployment among minority groups. Please check all available sources in your community and let us know your findings.

Elmer W. Henderson
Executive Secretary

WE CAN GET A PERMANENT FEPC

NATIONAL COUNCIL FOR A PERMANENT FEPC
930 F STREET, N. W.
WASHINGTON 4, D. C.

(Not printed at Government expense)

CONGRESSIONAL RECORD

Ives-Fulton Bill Against Discrimination in Employment

EXTENSION OF REMARKS
OF
HON. JAMES G. FULTON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 29, 1947

Mr. FULTON. Mr. Speaker, because I have been receiving many requests for a summary and analysis of the provisions of H. R. 2824, known as the Ives-Fulton bill, I am explaining the main features of the legislation for the RECORD.

This bill was introduced in the House on March 27, 1947, and on the same date in the Senate, S. 984, by Senator IVES, of New York. The cosponsors of the bill in the Senate are Senator IVES, of New York, Senator SALTONSTALL, of Massachusetts, Senator SMITH, of New Jersey, Senator MORSE, of Oregon, Senator CHAVEZ, of New Mexico, Senator MURRAY, of Montana, and Senator MYERS, of Pennsylvania.

The Ives-Fulton bill is essentially a compromise bill based on principles of the successful statute now in effect in the State of New York. H. R. 2824 sets up a system of local, State, and regional advisory and conciliation councils to enable localities to settle on a voluntary basis questions of discrimination in employment. The bill also provides for an approach at settlement by conference, conciliation, and persuasion, before resorting to steps leading to orders by governmental authority.

SUMMARY OF PROVISIONS

First. Practices prohibited: The bill forbids discrimination in hiring, firing, or conditions of employment because of race, religion, color, national origin, or ancestry by an employer of 50 or more engaged in interstate commerce and also forbids him to utilize any employment agency or other placement service which discriminates—section 5a. The bill forbids a labor organization having 50 members in the employ of one or more subject to the act to discriminate against any individual or to segregate or limit its membership in any way which adversely affects his employment opportunities—section 5b. The bill forbids employers and labor organizations to discriminate against any person for having opposed an unlawful employment practice.

Second. Exemptions: The bill exempts State or municipal—but not Federal—agencies as well as nonprofit religious, charitable, fraternal, social, and educational associations, other than labor organizations—section 4.

Third. Who enforces act: The bill creates a National Commission Against Discrimination in Employment composed of seven members at an annual salary of $10,000 each, appointed by the President with the advice and consent of the Senate for overlapping 7-year term—section 6.

Fourth. Powers of Commission: The bill authorizes the Commission to investigate charges, attempt to eliminate discrimination by conference, conciliation, and persuasion, issue complaints, hold hearings, subpena witnesses, make findings of fact, issue cease-and-desist orders, order reinstatement or hiring, with or without back pay, and seek enforcement of its orders in court—section 7.

Fifth. Sanctions: Violation of a court-enforced order of the Commission may be punishable as a contempt of court—section 8. Wilful resistance to Commission representatives is a misdemeanor—section 14—punishable by a fine of not more than $500 and/or imprisonment for not more than 1 year.

Sixth. Administrative procedure: Charges may be filed by or on behalf of an aggrieved person or by any member of the Commission. The commissioner who filed a charge shall not participate in a hearing or trial thereof. Three members of the Commission hear the parties argue the case, after hearing, but the entire Commission—three members constituting a quorum—must decide it. Procedure is in conformity with the Administrative Procedure Act—section 7 and section 8.

Seventh. Judicial review: Review is had in circuit court of appeals in accordance with the Administrative Procedure Act. An order may be set aside if arbitrary or capricious or not supported by substantial evidence—section 8.

Eighth. Government agencies and Government contracts: Commission orders against a Federal agency may be enforced by the President and not by the courts. The President may also issue regulations to prevent unlawful employment practices on any Federal contract employing 50 or more persons. Such regulations are enforced by the Commission—section 10.

Ninth. Notices: Every employer or union subject to act must post notices about act approved by Commission; a wilful failure to post is punishable by a fine of from $100 to $500—section 11.

Tenth. Other provisions:

(a) The act is to be known as the "National Act Against Discrimination in Employment"—section 1.

(b) The declaration of policy cities the constitutional and moral justifications for the act, including the Charter of the United Nations. The right to employment without discrimination is made a Federal civil right—section 2.

(c) A trial examiner who presides at a Commission hearing must be a resident of the Federal judicial circuit in which the alleged unlawful practice took place—section 6f.

(d) At the request of an employer whose employees refuse to cooperate with the act, the Commission may offer remedial action—section 6g.

(e) The Commission may create State or regional advisory or conciliation councils and may empower them to study the problem or specific instances of discrimination in employment—section 6g.

(f) Complaints must be filed within 1 year after discrimination has been committed—section 7h.

(g) The act does not affect in any way veterans' preferences laws—section 12.

(h) Regulations of the Commission may be set aside by a concurrent resolution of both Houses of Congress—section 13.

For further information I would advise the interested citizen to write to the National Council for a Permanent FEPC at 930 F Street NW., Washington 4, D. C.

The Ives-Fulton bill provides specifically as follows:

A bill to prohibit discrimination in employment because of race, religion, color, national origin, or ancestry

Be it enacted, etc., That this act may be cited as the "National Act Against Discrimination in Employment."

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that the practice of discriminating in employment against properly qualified persons because of their race, religion, color, national origin, or ancestry is contrary to the American principles of liberty and of equality of opportunity, is incompatible with the Constitution, forces large segments of our population into substandard conditions of living, foments industrial strife and domestic unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects the domestic and foreign commerce of the United States.

(b) The right to employment without discrimination because of race, religion, color, national origin, or ancestry is hereby recognized as and declared to be a civil right of all the people of the United States.

(c) This act has also been enacted as a step toward fulfillment of the international treaty obligations imposed by the Charter of the United Nations upon the United States as a signatory thereof to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

(d) It is hereby declared to be the policy of the United States to protect the right recognized and declared in subdivision (b) hereof and to eliminate all such discrimination to the fullest extent permitted by the Constitution. This act shall be construed to effectuate such policy.

DEFINITIONS

SEC. 3. As used in this act:

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or any organized group of persons and any agency or instrumentality of the United States or of any Territory or possession thereof.

(b) The term "employer" means a person engaged in commerce or in operations affecting commerce having in this employ 50 or more individuals; any agency or instrumentality of the United States or of any Territory or possession thereof; and any person acting in the interest of an employer, directly or indirectly.

(c) The term "labor organization" means any organization, having 50 or more members employed by any employer or employers, which exist for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(d) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between any State, Territory, or the District of Columbia and any place outside thereof; or within the District of Columbia or any Territory; or between points in the same State but through any point outside thereof.

(e) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce.

757443—22250

(f) The term "Commission" means the National Commission Against Discrimination in Employment, created by section 6 hereof.

EXEMPTIONS

SEC. 4. This act shall not apply to any State or municipality or political subdivision thereof, or to any religious, charitable, fraternal, social, educational, or sectarian corporation or association, not organized for profit, other than labor organizations.

UNLAWFUL EMPLOYMENT PRACTICES DEFINED

SEC. 5. (a) It shall be an unlawful employment practice for an employer—

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, religion, color, national origin, or ancestry; and

(2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, religion, color, national origin, or ancestry.

(b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or adversely affect his wages, hours, or employment conditions, because of such individual's race, religion, color, national origin, or ancestry.

(c) It shall be an unlawful employment practice for any employer or labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this act.

THE NATIONAL COMMISSION AGAINST DISCRIMINATION IN EMPLOYMENT

SEC. 6. (a) There is hereby created a commission to be known as the National Commission Against Discrimination in Employment, which shall be composed of seven members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of 1 year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, one for a term of 5 years, one for a term of 6 years, and one for a term of 7 years, but their successors shall be appointed for terms of 7 years each; except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed, and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of $10,000 a year.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States. Any such agent designated to conduct a proceeding or a hearing shall be a resident of the Federal judicial circuit, as defined in sections 116 and 308 of the Judicial Code as amended (U. S. C. Annotated, title 28, secs. 211 and 450), within which the alleged unlawful employment practice occurred.

(g) The Commission shall have power—

(1) to appoint such agents and employees as it deems necessary to assist it in the performance of its functions;

(2) to cooperate with regional, State, local, and other agencies;

(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) to furnish to persons subject to this act such technical assistance as they may request to further their compliance with this act or any order issued thereunder;

(5) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this act, to assist in such effectuation by conciliation or other remedial action;

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this act and to make the results of such studies available to interested governmental and nongovernmental agencies; and

(7) to create such local, State, or regional advisory and conciliations councils as in its judgment will aid in effectuating the purpose of this act, and the Commission may empower them to study the problem or specific instances of discrimination in employment because of race, religion, color, national origin, or ancestry and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population, and make recommendation to the Commission for the development of policies and procedures in general and in specific instances. Such advisory and conciliation councils shall be composed of representative citizens residents of the area for which they are appointed, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the Commission may make provision for technical and clerical assistance to such councils and for the expenses of such assistance.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 7. (a) Whenever a sworn written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to the act has engaged in any unlawful employment practice, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during such endeavors may be used as evidence in any subsequent proceeding.

(b) If the Commission fails to effect the elimination of such unlawful employment practice and to obtain voluntary compliance with this act, or in advance thereof if circumstances so warrant, it shall cause a copy of such written charge to be served upon such person who has allegedly committed any unlawful employment practice, hereinafter called the respondent, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than 10 days after the service of such charge.

(c) The member of the Commission who filed a charge shall not participate in a hearing thereon or in a trial thereof.

(d) At the conclusion of a hearing before a member or designated agent of the Commission the entire record thereof shall be transferred to the Commission, which shall designate three of its qualified members to sit as the Commission and to hear on such record the parties at a time and place to be specified upon reasonable notice.

(e) All testimony shall be taken under oath.

(f) The respondent shall have the right to file a verified answer to such written charge and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(g) The Commission or the member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any written charge, and the respondent shall have like power to amend its answer.

(h) Any written charge filed pursuant to this section must be filed within 1 year after the commission of the alleged unlawful employment practice.

(i) If upon the record, including all the testimony taken, the Commission shall find that any person named in the written charge has engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay, as will effectuate the policies of the act. If upon the record, including all the testimony taken, the Commission shall find that no person named in the written charge has engaged or is engaging in any unlawful employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(j) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(k) The proceedings held pursuant to this section shall be conducted in conformity with the standards and limitations of sections 5, 6, 7, and 8 of the Administrative Procedure Act, Public Law 404, Seventy-ninth Congress, June 11, 1946.

JUDICIAL REVIEW

SEC. 8. (a) The Commission shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia) or, if the circuit court of appeals to which application might be made is in vacation, any district court of the United States (including the Supreme Court of the District of Columbia) within any circuit wherein the unlawful employment practice in question occurred, or wherein the respondent transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Com-

mission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by sections 10c and 10e, of the Administrative Procedure Act.

(b) Upon such filing, the court shall cause notice thereof to be served upon such respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(c) No objection that has not been urged before the Commission, its member or agent, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there was reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member or agent, the court may order such additional evidence to be taken before the Commission, its member or agent, and to be made a part of the transcript.

(e) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings and its recommendations, if any, for the modification or setting aside of its original order.

(f) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals, if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

(g) Any person aggrieved by a final order of the Commission may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person transacts business, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (a), and shall have the same exclusive jurisdiction to grant to the petitioner or the Commission such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, the order of the Commission.

(h) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by sections 10a and 10b of the Administrative Procedure Act.

(i) The commencement of proceedings under subsection (a) or (g) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

INVESTIGATORY POWERS

SEC. 9. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this act, the Commission, or any member thereof, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent conducting such investigation, proceeding, or hearing.

(b) Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths, examine witnesses, and receive evidence.

(c) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(d) In case of contumacy or refusal to obey a subpena issued to any person under this act, any district court of the United States or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

(e) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matters, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

ENFORCEMENT OF ORDERS DIRECTED TO GOVERNMENT AGENCIES

SEC. 10. The provision of section 8 shall not apply with respect to an order of the Commission under section 7 directed to any agency or instrumentality of the United States, or of any Territory or possession thereof, or any officer or employee thereof. The Commission may request the President to take such action as he deems appropriate to obtain compliance with such orders. The President shall have power to provide for the establishment of rules and regulations to prevent the committing or continuing of any unlawful employment practice as herein defined by any person who makes a contract with any agency or instrumentality of the United States (excluding any State or political subdivision thereof) or of any Territory or possession of the United States, which contract requires the employment of at least 50 individuals. Such rules and regulations shall be enforced by the Commission according to the procedure hereinbefore provided.

NOTICES TO BE POSTED

SEC. 11. (a) Every employer and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the Commission setting forth excerpts of the act and such other relevant information which the Commission deems appropriate to effectuate the purposes of the act.

(b) A willful violation of this section shall be punishable by a fine of not less than $100 or more than $500 for each separate offense.

VETERANS' PREFERENCE

SEC. 12. Nothing contained in this act shall be construed to repeal or modify any Federal or State law creating special rights or preferences for veterans.

RULES AND REGULATIONS

SEC. 13. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this act. If at any time after the issuance of any such regulation or any amendment or rescission thereof, there is passed a concurrent resolution to the two Houses of the Congress stating in substance that the Congress disapproves such regulation, amendment, or rescission, such disapproved regulation, amendment, or rescission shall not be effective after the date of the passage of such concurrent resolution, nor shall any regulation or amendment having the same effect as that concerning which the concurrent resolution was passed be issued thereafter by the Commission.

(b) Regulations issued under this section shall be in conformity to the standards and limitations of the Administrative Procedure Act.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 14. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with a member, agent, or employee of the Commission while engaged in the performance of duties under this act, or because of such performance, shall be punished by a fine of not more than $500, or by imprisonment for not more than 1 year, or by both.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

COMPARISON OF H. R. 2232, SEVENTY-NINTH CONGRESS, AND IVES-FULTON BILL, H. R. 2824, EIGHTIETH CONGRESS—GENERAL STATEMENT

H. R. 2232 was selected for comparison because it was prepared by the Labor Committee of the Seventy-ninth Congress and was the only bill of its kind in that Congress to be reported by the committee.

Briefly the principal points of difference in the two bills are as follows:

H. R. 2232 makes the act applicable to labor unions of 6 or more persons and to employers of 6 or more persons, whereas H. R. 2824 sets the figure at 50 in each case.

H. R. 2824 provides for local, State, regional advisory and conciliation commissions to employ 50 enable localities to voluntarily settle any instructions of discrimination in employment. It also requires an approach at settlement by conference, conciliation, and persuasion before resorting to steps leading to a cease-and-desist order or dismissal of the complaint. H. R. 2232 does not have these provisions.

H. R. 2824 permits Congress to disapprove a Commission regulation at any time after issuance thereof. H. R. 2232 limits congressional disapproval to 60 days after issuance of the regulation.

H. R. 2232 requires that antidiscrimination clauses be included in Government contracts.

H. R. 2824 omits this provision.

H. R. 2824 exempts from operation of the act State and local governments and certain nonprofit organizations. H. R. 2232 has no such provision.

H. R. 2824 offers aggrieved parties additional opportunities for judicial review pursuant to the Administrative Procedure Act (Public Law 404, 79th Cong.).

787443—22250

Section by section comparison

Section	H. R. 2232, 79th Cong.	H. R. 2232, 80th Cong.
Sec. 1: Short title	"Fair Employment Practice Act"	"National Act Against Discrimination in Employment."
Sec. 2: Findings and declaration of policy	Sets forth the underlying factual basis and policy for the regulation provided by the bill. The Congress finds that discrimination in employment because of race, creed, color, national origin or ancestry (1) leads to domestic and industrial strife and unrest, (2) forces large segments of our population permanently into substandard conditions of living, (3) creates a drain upon the resources of the Nation, (4) causes a diminution of employment and wages which disrupts the market for goods in commerce, all of which (5) burden, hinder, and obstruct commerce.	Sets forth the underlying factual basis and policy for the regulation provided by the bill. The Congress finds that discrimination in employment because of race, religion, color, national origin, or ancestry (1) is contrary to the American principles of liberty and equality of opportunity, (2) is incompatible with the Constitution, (3) forces large segments of our population into substandard conditions of living, (4) foments industrial and domestic strife, (5) deprives the United States of full productive capacities, (6) endangers the national security and general welfare, and (7) adversely affects domestic and foreign commerce.
	No similar provision.	Cites act as a step toward fulfillment of the international treaty obligations imposed by the Charter of the United Nations upon the United States as a signatory thereof to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."
Sec. 3: Definitions	Defines in ordinary terms the words, "person, labor union, commerce, affecting commerce," and "Commission." "Employer" excludes all employers of less than 6 individuals. A "labor union" excludes organizations having less than 6 members.	Defines in ordinary terms the words, "person, employer, labor organization, commerce, affecting commerce," and "Commission." "Employer" excludes employers of less than 50 individuals. "Labor organization" excludes organizations having less than 50 members.
Sec. 4: Right to freedom from discrimination in employment	Declares that the right to work free from discrimination is an "immunity" of citizens of the United States, which shall not be abridged by any Federal or State agency.	Declares right to employment without discrimination to be a civil right of all the people of the United States.
Exemptions	No provision.	Exempts from operation of the act any State or municipality or political subdivision thereof, or any religious, charitable, fraternal, or other nonprofit corporations or associations, except labor organizations.
Sec. 5: Unfair (unlawful in H. R. 2824) employment practices defined	Declares as an unfair employment practice (1) by an employer the refusal to hire, the discharge of, or the discrimination against, any person because of race, color, creed, religion, national origin or ancestry, or limitation of recruitment on that basis; (2) by a labor union the refusal of or expulsion from membership or the discrimination against any employee, employer or member for the foregoing reasons; and (3) the discrimination by an employer or labor union against any person because he has opposed practices forbidden by this act.	Declares as a unlawful employment practice (1) by an employer the refusal to hire, the discharge of, or the discrimination against an individual because of his race, religion, color, national origin or ancestry, or the utilization of recruitment agencies which practice discrimination; (2) by a labor organization the limitation, segregation, or classification of its membership in any way which would deprive or limit any individuals' employment opportunities; and (3) the discrimination against any person by an employer or labor organization because he has opposed any unlawful employment practice.
Sec. 6: Fair Employment Practice Commission	Creates the Fair Employment Practice Commission composed of 5 members appointed by the President for 5-year terms ($10,000 a year) with the advice and consent of the Senate (original members would serve for terms ranging from 1 to 5 years). The Commission would replace the Committee on Fair Employment Practice established by Executive Order 9346 of May 27, 1943, and which was terminated on June 30, 1946, by the act of July 17, 1945 (59 Stat. 472).	No provision.
The National Commission Against Discrimination in Employment	No provision.	Creates the National Commission Against Discrimination in Employment composed of 7 members appointed by the President for 7-year terms ($10,000 a year) with the advice and consent of the Senate (original members would serve for terms ranging from 1 to 7 years). Provides for creation of local, State, or regional advisory conciliation councils to enable localities voluntarily settle disputes, and empowers the Commission, upon request of an employer whose employees refuse or threaten to refuse to cooperate in effectuating this act, to assist in such effectuation by conciliation or other peaceful action.
Sec. 7: Prevention of unfair (unlawful in H. R. 2824) employment practices	Empowers the Commission to prevent unfair employment practices by the issuance of cease-and-desist orders. Procedure calls for filing of charges with the Commission, the holding of hearings before it, the making of findings of fact, and the issuance of cease-and-desist orders or dismissal of the complaint.	Empowers the Commission to prevent unlawful employment practices by the issuance of cease-and-desist orders. First, however, the Commission shall investigate the written charges of persons claiming to be aggrieved and shall endeavor to eliminate the practice complained of by conference, conciliation, and persuasion. Cease-and-desist orders are to be issued only after efforts to obtain voluntary compliance with the act have failed and hearings have been held before the Commission on the practices complained of. Proceedings shall be conducted in accordance with secs. 5, 6, 7, and 8 of the Administrative Procedure Act (Public Law 404, 79th Cong.).
Sec. 8: Judicial review	Incorporates, by reference, the procedure for judicial review and enforcement of the Commission's orders which is now applicable to orders of the National Labor Relations Board (U. S. C., 29: 160 (e), (f), (g)).	Same as H. R. 2232 (provisions are written into bill) except that additional provisions are included to provide for conducting of further proceedings by the reviewing court in accordance with section 10 of the Administrative Procedure Act (Public Law 404, 79th Cong. where (a) the Commission files petition for enforcement of an order or for appropriate temporary relief, or (b) a person aggrieved by the Commission's final order files petition for review.
pos... member w... dent shall... Chairp... of...	Confers upon the Commission the customary powers of subpena and administration of oaths.	Same as H. R. 2232 except that the provision making failure to obey a court order to appear and testify before the Commission punishable as a contempt of court is omitted in H. R. 2824.
...atory powers	Empowers the Commission to issue regulations necessary to carry out the act, but provides that Congress may disapprove any regulation by the adoption of a concurrent resolution within 60 days after issuance of such regulation. After adoption of such a resolution the Commission would be barred from issuing another regulation having the same effect as the one disapproved.	Same as H. R. 2232 except that Congressional disapproval of a regulation may occur at any time after issuance.
Sec. 10 (H. R. 2232). Sec. 13 (H. R. 2824). Rules and regulations	Requires that every contract to which the Government is a party shall include an antidiscrimination clause.	No similar provision.
Sec. 11 (H. R. 2232): Inclusion of antidiscrimination clause in Government contracts	No similar provision.	Requires every employer and labor organization to post in conspicuous places upon its premises notices prepared or approved by the Commission setting forth relevant information deemed appropriate to effectuate the purposes of this act. Fixes a $100 to $500 penalty for each violation.
(H. R. 2824): Notices to be posted		
Sec. 12 (H. R. 2232). Sec. 10 (H. R. 2824). Enforcement of orders directed to Government agencies	Provides for a means of enforcing the Commission's orders against Federal agencies or their officers who have been guilty of discriminatory employment practices. The Commission may request the President to take any action deemed appropriate to obtain compliance with an order. The President may discharge summarily any Federal employee who has willfully failed to obey an order of the Commission.	Similar to H. R. 2232 except that it does not specifically include authority for President to summarily discharge a Federal employee for noncompliance with an order but gives the President power establish rules and regulations to prevent the committing or continuing of an unlawful employment practice by any person who makes a contract with any Federal agency or instrumentality which contract requires the employment of at least 50 individuals.
(H. R. 2824): Veteran's preference	No provision.	Specifies that this act shall not repeal or modify Federal or State laws creating special rights or preferences for veterans.
Sec. 13 (H. R. 2232). Sec. 14 (H. R. 2824): Interference with the Commission or its agents	Prescribes penalty of $5,000 fine and/or 1 year's imprisonment for willfully resisting, interfering, etc.	Prescribes penalty of $500 fine and/or 1 year's imprisonment for forcibly resisting, interfering, etc.
Sec. 14 (H. R. 2232). Sec. 15 (H. R. 2824): Separability clause	The usual separability provision.	Same.

767443—22250

U. S. GOVERNMENT PRINTING OFFICE, 1947

CATHOLICS, RACE AND Law

by

The Most Rev. Francis J. Haas, D.D., Ph.D., LL.D.

JAD

CATHOLICS, RACE, AND LAW

By the

MOST REVEREND FRANCIS J. HAAS, D.D., PH.D., LL.D.

Bishop of Grand Rapids

THE PAULIST PRESS

401 WEST 59TH STREET

NEW YORK 19, N. Y.

COPYRIGHT, 1947, BY
THE MISSIONARY SOCIETY OF ST. PAUL THE APOSTLE
IN THE STATE OF NEW YORK.

PRINTED AND PUBLISHED IN THE U. S. A.
BY THE PAULIST PRESS, NEW YORK 19, N. Y.

Catholics, Race, and Law

OUR nation, the United States of America, is a democracy founded upon the principle that all men are free and equal.[1] But, within our social structure, some fourteen million persons—one-tenth of our American people—are living under the shadow of an injustice totally alien not only to the fundamental law of the land but to the fundamental law of God.

This injustice is the corroding attitude of belief in racial inequality which is expressed either by widespread indifference or particularized ill-will toward the American Negro. This attitude must be corrected not only for the sake of those who suffer from it but also for the sake of those who hold it: for no nation can long survive as a democracy unless it practices the essential principle of democracy, which is justice to one's fellow-man.

Because this manifestation of a wrong theory of racial inequality violates the basic principle of American institutions it is the duty of every conscientious American to do his utmost to overcome its threatening menace. Because it violates the law of God it is the deeper duty of every God-loving citizen—and particularly of every Catholic citizen—to combat its miasmatic pressure. For the Catholic's better understand-

1 The papers contained in this pamphlet were originally delivered as public addresses, one at Detroit at a mass meeting sponsored by the Catholic Interracial Council of Detroit on September 8, 1946, and the other at Lansing at a dinner meeting of the Michigan Council for Fair Employment Legislation on January 30, 1947. Apart from the deletion of platform expressions, and other minor revisions the papers are printed here substantially as given.

ing of this problem and for his aid in an attempt to solve it these following pages have been set down.

This pamphlet, dealing with the subject *Catholics, Race, and Law*, proposes to set forth the proper Catholic attitude on race equality.

Part I will take up the question: What is the Catholic position regarding Negroes, and what does that position require Catholics to do?

Part II will consider the question: What is discrimination in general and, more particularly, how is it exercised against the Negro in the vital matter of employment?

Part III will attempt to answer the question: What should government do to stamp out discrimination in employment?

I

The Catholic Position Regarding Negroes

THE Catholic position with respect to Negroes can be stated in very simple language. It holds that the Negro is equal before Almighty God to every other person among the two and one-third billion human beings in the world, regardless of the color of their skin—white, yellow, black, red, brown, or mixed.

The word "position" as used here needs no extended explanation. It means merely the "premises" on which we Catholics stand when we hold as we do that all human beings are equal in the sight of their Creator, each having come from His Hand, and each being destined to return to Him. Assuredly, we did not think out these premises ourselves. We did not discover them in test tubes or with any of the other paraphernalia of the laboratory. They were divinely revealed to us and, as Catholics, we accept them without question as coming from the single source of Truth, God Himself.

"Premises" are in everyday language "reasons." They are the grounds on which a person stands when he asserts his beliefs. Thus the white men and women who voted in the National Opinion Research Center Poll, published August 18, 1946, gave reasons as well as votes. To the question, "Should Negroes have as good a chance as whites to get any kind of a job?", 47 per cent of those interviewed answered that Negroes should have an equal chance, 49 per cent answered that whites should have first chance, and 4 per cent were undecided.

It is not the reasons given by the voters in that poll that are particularly worthy of comment but rather the fact that they had reasons for voting as they did. The reason most frequently offered was: "The Constitution says Negroes should

have equal rights." A housewife in Atlanta, Georgia, appealed to the Declaration of Independence: "Each individual is endowed with unalienable rights, and all men are created equal." Another person, an old-age pensioner in Waltham, Massachusetts, declared: "In a democracy people of every race and creed should have an equal chance at jobs." A librarian in Virginia asked: "Why all this talk about world democracy if we don't clear up our own back yard first?" A Chicago factory worker asserted: "I have seen Negroes being drafted in the war to fight the same as us—so they should have the same chance now."

These are reasons—the Constitution, the Declaration of Independence, ideals of democracy, and need of winning the war.

We Catholics have reasons for the position that we take on racial equality, and while as Americans we hail the glorious principles of our Constitution and the Declaration of Independence, and yield to none with respect to the necessity of maintaining democracy in war and in peace, yet as Catholics our reasons for interracial equality are deeper than any or all of those just referred to. What are the Catholic reasons? Even though they are anchored in a divine mystery, the smallest child can understand them.

Christ's Prayer for the Unity of Mankind

It was into the human race that Jesus Christ was born man. It was for the human race in its entirety—Caucasoid, Mongoloid, and Negroid—that He died, rose from the dead, and established His Church. And we may not forget that He prayed that the human race be one in Him, in order, as He Himself declared, that the world might have visible proof of His divinity. Oneness through Him was to be the evidence that men could see that God had sent Him as His Divine Son.

On the eve of His death He pleaded with His Father: "Yet not for these only do I pray, but for those also who through their word are to believe in Me, that all may be one, even as thou, Father, in me and I in thee; that they also may be one in us, that the world may believe that thou hast sent me." (John xvii. 20.) Thus it was His prayer that mankind be one in being united not only in Him, but in being united because of Him. Here would be proof for the world to see that God had sent Him.

Accordingly, in Catholic thinking there is no such thing as "races," minority or otherwise. There is but one race. It is the human race. No matter what it is called—human species, *homo sapiens*, or simply mankind—it is one.

It is hardly necessary to discuss the careless and even selfish uses to which the term "race" is frequently put. We have heard *ad nauseam* of the "Nordic" race, the "Jewish" race, and even the "Super" race, and we are all too aware of how these terms have been utilized to incite class hatred, to exalt the national *ego*, and even to promote war.

Neither is it necessary to spend any time on the erroneous popular beliefs that there are *essential* (as distinct from merely accidental) physical differences between Negroes and whites. Needless to say, these suppositions, however widely held, are completely without foundation. Sister Mary Ellen of Rosary College, Chicago, has examined them from the scientific standpoint in her splendid pamphlet *Racial Myths*, found them to be wholly without factual basis, and rightly consigned them to the realms of imagination and prejudice.

The Testimony of Saint Paul

Hardly anything is so foreign to Christian sentiment as the idea of basic differences or of anything suggesting essential inequality among the various branches of the human family.

The Apostle of the Gentiles taught without reservation or restriction: "There is neither Jew nor Greek; there is neither slave nor freeman; there is neither male nor female. For you are all one in Christ Jesus." (Gal. iii. 28.) And he placed the essence of this oneness in the one Mediator, Who links the whole human family to its Creator: "For there is one God, and one Mediator between God and men, himself man, Christ Jesus, who gave himself a ransom for all, bearing witness in his own time." (1 Tim. ii. 5.) Thus he could assure the Ephesians: "One Lord, one Faith, one Baptism; one God and Father of all, who is above all, and throughout all, and in us all." (iv. 5.)

One more reference may be made to Saint Paul. In at least three of his epistles he asserted that the followers of Christ form a corporate whole—or one might say a corporation—and he compared this corporation to a person's body. He seemed to like the metaphor.

To the Romans he wrote: "For just as in one body we have many members, yet all the members have not the same function, so we, the many, are one body in Christ, but severally members one of another" (xii. 4). In his first letter to the Corinthians he discusses the organic unity of the human body at some length, and likens it to the unity holding Christ's followers together: "For in one spirit we were all baptized into one body, whether Jews or Gentiles, whether slaves or free; and we were all given to drink of one Spirit. For the body is not one member, but many. . . . If the whole body were an eye, where would be the hearing? . . . And if one member suffers anything, all the members suffer with it, or if one member glories, all the members rejoice with it" (xii. 13-26).

Peter versus Plato

Now, it is interesting to note that the pagan Plato, some 400 years before Saint Paul, used this same metaphor, likening

a well governed state to a healthy human body. In fact in his *Republic* Plato does little more than work out the analogy between a perfect man and a perfect state. In Book V he repeats what he had frequently said: "We had agreed, moreover, as to the greatest good of a state, by comparing a well-managed state to a body, which feels pleasure or pain affecting any part of it." Further quotations seem unnecessary.

But it is extremely important to remember that Plato's State did not include *all*. It included only free men. While Plato condemned the practice of the Greeks having Greeks as slaves, his State excluded non-free persons. It definitely accepted the philosophy of "minority" races, discriminating against not only blacks but a multitude of whites as well.

Here, then, is the crux of the whole question. Plato, in spite of his high-mindedness, and even of his religious-mindedness to the point of admitting in the individual person a "rational principle at the root of moral distinctions," did not include *all* in what he conceived to be a well regulated state. Pagan that he was, and living before the Son of God had come into the world, he could not and did not grasp the sublime truth: "There shall be one fold and one shepherd." (John x. 16.)

One fold and one shepherd! His Holiness Pope Pius XII in his first encyclical reaffirmed this lofty conception of mankind calling it "that law of human solidarity and charity which is dictated and imposed by our common origin and by the equality of rational nature in all men, to whatever people they belong, and by the redeeming Sacrifice offered by Jesus Christ on the Altar of the Cross to His Heavenly Father on behalf of sinful mankind." (*Summi Pontificatus*, p. 16.)

This is the voice of Peter, the Vicar of Christ. It echoes the voice of the first Peter: "God is not a respecter of persons, but in every nation he who fears Him and does what is right is acceptable to Him." (Acts x. 34.)

So much for Christian teaching on inter-racial equality.

Christian doctrine on the subject clearly reprobates the idea of "minority" groups as something opposed to oneness in Christ, and as something pagan. Further, it anathematizes every form of "isolationism"—political, racial, or any other—as anti-Christian and foreign to the unity of all men in Jesus Christ.

Charity, the Mother of Justice

It might be well to look next at the virtue which dictates the obligations that men as equals have toward one another. That virtue of course is charity.

Now "charity" does not mean merely the benevolence that prompts a man to give $5 or even $5 million to the poor. It means something wider, deeper, higher. It means the *vinculum perfectionis*, the bond of perfection (Col. iii. 14), binding men together as brothers of Christ and binding them to Him. It means the divine impulse that prompts a man to feel kindly and to speak kindly to everyone, and to put down his inner repugnances, his dislikes, and his prejudices, because the blessed law of Christ requires him to do so.

"Charity" can even mean justice itself. Lessius, the great seventeenth century authority on justice, holds in his classical work *De Justitia et Iure* that charity is in effect the mother of justice. He writes: "Thus the term justice may even be used for *charity;* for charity renders a man's will conformable to the whole law of God, and accordingly charity in a way contains within itself the sum of all the virtues." (*Lib.* 11, *Cap.* 1, *Dub.* 1.)

Justice, to be sure, has different forms: justice, binding a government to apportion burdens and privileges equitably to all its citizens, which is called distributive; justice, binding each citizen in proportion to his ability, to discharge his duties to the entire body politic, which is called social; and justice, binding each citizen to render to every other what is his, which

is called commutative. But whatever form justice assumes—either as obligating a government to its citizens, or individual citizens to the whole social body, or individuals to individuals—in Chrirstian thinking it has its roots in charity, and in the charity of Him who taught: "By this will all men know that you are my disciples, if you have love for one another." (John xiii. 35.)

This, in brief, is the Catholic doctrine on racial equality and the duties it entails. It is the answer to the question, "What is the Catholic position regarding Negroes?"

Justice in Action

A pertinent question is, "What does that position require Catholics to do?" That they should *do and not merely believe* goes without saying. And that the doing may not be put off is likewise beyond argument, particularly in view of the fact that, because of past failure on the part of Catholics, less than three per cent of the nearly fourteen million Negroes in the United States are Catholics.

St. Peter Claver, a white native of Spain, who worked among the Negroes in Cartagena, Colombia, up to the time of his death in 1654, might well be regarded as a model for action, not merely because he took medicine, bread, brandy, lemons, and tobacco to the Negroes in the slave sheds at the port, but because he believed that he owed far more than lip-service to his fellow men. The same crisis that Peter Claver had to face, with over ten thousand slaves landed at Cartagena each year, is before us, but only under a different form. He met it, with God's grace, with incredible success, by *action*. Action, organized and individual, is what is asked of us, in the Church, in industry, and in government.

Duties of Catholics

There is need of more and more Catholic interracial conferences to disseminate and put into practice the Catholic position on race. The conferences of the Catholic Interracial Councils of New York, Detroit, and other cities, and those convened during the past year by the Social Action Department of the National Catholic Welfare Conference are indeed worthy of imitation and support.

But besides organized action there is urgent need of individual action by Catholics. Unfortunately, the number of Catholics is all too few who make it a matter of conscience to be fair and just and charitable to Negroes as well as to their other fellow citizens. Nevertheless, there are such Catholics, both men and women, who have even immunized themselves to the ridicule of shallow friends and acquaintances. They are the salt of the earth.

A few years ago, a Commissioner of Police in a metropolitan area with a population of over 900,000 had the courage, after holding a competitive examination, to promote a Negro staff policeman to the rank of lieutenant. He was of course denounced as a "nigger lover." This same Commissioner told the writer, in something of a Celtic accent but with real Celtic faith: "Father, I had to promote that man. He stood highest in the examination. He had a right to that promotion. If I didn't promote him, I couldn't make my confessions." This public official was putting his Faith into practice. His conduct illustrates what is meant by personal action.

Another instance may be cited. Recently a Catholic man and his wife were asked to sign a compact binding home owners in their neighborhood not to sell their homes to Negroes. This couple refused to sign. Actually they were the only home owners in the block who declined to do so. As a result, they and their children were subjected to every kind of cheap sar-

casm and abuse by their neighbors. But they stood firm. They acted as they did because they were Catholics, declining to do what they were asked to do because, as they said, it was wrong. Here again was personal action, even something like heroic action.

Duties of Management and Labor

There is another field in which individual action under the spur of conscience is definitely called for—the field of industry. In this connection a personal opinion may be allowed for whatever it may be worth. As a matter of practical strategy, we should concentrate our available resources on getting decent, Christian, brother-to-brother relationships between Negroes and whites established in industry. We will thereby hasten progress in getting like standards established in social and political life. Whether this strategy is well-advised or not, the steps to be taken to break down the vicious discrimination now practiced outside of industry—for example, through the poll tax, restrictive covenants, and segregation in hotels and trains and the rest—will not be discussed now since only what should be done to assure equal employment opportunity as between Negroes and whites is being considered.

Industry, as everyone knows, is carried on by two parties, management and workers. And management, contrary to popular notions, is not something abstract or ethereal. One should apologize for saying such an obvious thing, but management is men, men with flesh and blood, men with family ties, and men with the same capacity for noble conduct and for pettiness as workers. Moreover, as men, employers are accountable in conscience for the policies in their establishments, and their responsibility increases or decreases, depending on whether they are big employers and are on big boards of directors or are small employers and on small ones.

During the late war some influential employers, whatever their motive, took their obligations to Negro workers seriously, and enforced a policy of non-discriminatory employment throughout their plants, both in hiring and upgrading. It is a matter of regret to have to report from personal observation that not more than two or three important employers who took that stand were Catholics. Here, indeed, is place for individual action directed by individual conscience.

But what of the workers? What of the white man on the assembly line who will not work with Negroes? What of the white girl in a telephone exchange who will not sit beside Negro girls, however refined or well trained the latter may be?

There is no blinking the fact that in industry this un-Christian attitude is even more prevalent among employees than it is among employers. Personal experience warrants the statement that many employers would relax their refusal to hire and upgrade Negroes, if they could be reasonably sure that their employees would not bitterly resist the innovation. The same holds true for most if not all top union officials, who would be more than glad to abandon all union restrictions against Negroes, if the rank and file membership of the Union would not violently protest such action.

This deplorable attitude among white workers can in no way be condoned, even when full allowance is made for their fear that Negroes would "come in" to take their jobs, even at lower rates. Undoubtedly, the major explanation is a narrow, selfish, and un-Christian prejudice on the part of too many white men and women who work.

What should be done? The most hopeful approach would be to examine and extend the successful experiments that were carried on in defense plants during the war, in which whites and Negroes worked side by side, with a maximum of harmony, even surprising themselves that the thing could be done. These

experiments prove that the idea is not academic but, when sincerely tried, works. On the part of management, it will call for foremen training and foremen schools, the careful selection of Negroes for the departments to which they are sent to work with whites, and equally careful selection of superintendents who will be put in charge of these departments. On the part of workers, it will call for conviction within the white employee's soul that his Negro brother is, in Christ, his brother, and that he owes him in charity and justice no less than what he owes his white fellow-employees.

Behold a form of Christian charity and justice too long neglected! Behold the "forgotten" virtue in shop and office! Is it too much out of line to suggest that Catholic wage and salaried employees take the initiative and form an organization of workers who will pledge themselves to the practice of racial charity and justice, and who will be ready to stand up and be counted to make it a reality?

Duties of Government

Moreover, individual Catholics and non-Catholics might well call on Federal and State governments to enact Fair Employment Practice Commission (FEPC) legislation without further delay. We should be ashamed of the little that an FEPC law would require. All that it would do is to take from the employer the unwarrantable freedom which he now holds to deny a man an opportunity to earn his livelihood or to improve himself, merely because his skin is black or because he belongs to a so-called minority group. Both Christian ethics and common decency require government to do its part to put an end to such injustice and inhumanity.

The states of New York, Massachusetts, and New Jersey, have already responded to the enlightened demands of the people of these commonwealths, and have enacted FEPC laws,

barring discrimination in employment because of race, creed, color, or national origin. But even more than FEPC laws in separate states is necessary. There is, in the judgment of all competent observers, need and crying need of a Federal FEPC, providing for education through conciliation of complaints and, in the event that conciliation efforts fail, for full power of enforcement in the Federal Courts. A vast area of economic injustice, long awaiting redress, cannot be reached by state action alone, for one reason among others, because state courts have no jurisdiction, except perhaps concurrently with the Federal courts, over industries engaged in interstate commerce. But apart from any nice legalisms, a nation-wide evil exists which can be remedied only by nation-wide action.

It may be urged that law cannot reform morals. As a general proposition this objection may be regarded as valid in part, but only in part. As directed against a Federal FEPC or a State FEPC it is hardly valid at all. When leveled at the field of legislation here under consideration the objection overlooks the important lesson of history that when a high principle of justice and humanity is embodied into law, even over the opposition of a considerable minority, that principle takes on the majesty of government, and the law itself becomes a mighty force of education and moral betterment. Such beneficial results would doubtless follow from the enactment of a Federal FEPC and State FEPC laws.

But Federal and State FEPC laws are directed against discrimination in only one field—industry. There are, to be sure, numerous other areas in which this vicious anti-Christian and anti-American practice prevails. Here, too, the same formula of charity is to be applied as in business and industry.

What should Catholics do? What should all our people do? The Saviour answers: "Thou shalt love the Lord thy God with thy whole heart. . . . And thy neighbor as thyself. . . . Do this and thou shalt live." (Luke x. 27, 28.)

II

Discrimination in General and Specifically in Industry

HAVING considered Catholic teaching and Catholic practice with respect to racial equality we may next take up the question of discrimination both in general and more specifically in employment. The former type covers the whole field of life, running around the clock twenty-four hours a day, whereas the latter is limited to working hours in the shop, office, or store. The former is as broad as all of life, the latter as broad only as one's job or perhaps the lack of it.

What Is Discrimination?

As a starting point it might be well to look at the word *discrimination* itself. In its original Latin form discrimination (from *discernere*) had a very innocent and even reputable meaning. It meant only making a selection, or passing a judgment. But in present day language, it has taken on an additional meaning, and one that is not at all innocent or reputable. True, we still say that a person has *discrimination* if he can choose or decide between what is good and evil or between what is refined and less refined. But it is not in this praiseworthy sense that we commonly use the word *discrimination*. Today, in everyday language *discrimination* generally means something that is wrong and contemptible, and to say that a person *discriminates* is to charge him with playing favorites, with being intolerant and even unjust.

Those who in the language of the day *discriminate* say in effect: "We will draw a circle around ourselves and include in that circle only those people we want. We will even try to help those inside our circle, but we will not and we refuse to

do anything for those outside it. For us they do not exist. Actually we do not much care what happens to them." The more sordid details can be readily filled in.

Where is discrimination most commonly practiced in our country? It is well known that it operates with full force and effect in the deep South, and only with a lesser degree of intensity in the high North, and above all against Negroes.

Let the reader pass before his mind's eye the cruel bars of discrimination that are set up against these fourteen million men, women, and children day after day and year after year. There is discrimination in housing, in schools, in train travel, in hotels, in restaurants, in movies, and, not least of all, in job opportunity.

Examples of Discrimination

The writer recalls a rather striking incident that occurred in Washington a few years ago involving a Negro attorney. This gentleman was cited by Treasury Department officials to appear in a given room at a specified hour in one of the more prominent hotels in Washington, to explain some items in his income tax report of the previous year. It is common knowledge that Negroes have to pay income taxes the same as white citizens do, and it should be no cause for surprise that some Negroes have difficulty in explaining their income tax reports just as some white citizens have. In any event, when this Negro attorney came to the hotel, under the summons of the United States Government, the manager of the hotel refused to allow him to enter because he was a Negro. And the Negro was not admitted. There is no need of going into what was done in the matter, or the humiliating compromise that the Government had to resort to in order to meet with this taxpayer. The episode is told merely to show that the Government which imposes the same tax rates on Negroes as on whites, and yet is unwilling to insist that Negroes be accorded

the same common courtesies as those accorded to whites, does the Negro an obvious injustice. What is pertinent here is that the Government does so by yielding to the stupid pressure of discrimination.

Another incident may be cited. Here names can be mentioned. Milton P. Webster who is a vice-president of the Brotherhood of Sleeping Car Porters was a member of the Federal FEPC of which the author of this pamphlet was chairman in 1943. Webster is a Negro as are the members of the Brotherhood of Sleeping Car Porters. One morning when the FEPC was in session, Webster digressed for a few minutes to complain to the committee of the treatment to which he had been subjected the day before on the train from Atlanta to Washington. He was not allowed to ride, he said, on the regular sleepers that members of his own race are charged with attending and keeping in order. After reciting this incident he addressed himself to the white members of FEPC, saying: "*You* white people are all right. *You* recognize this is a shocking condition. *You* want to do something about it. But after all *you* don't know what discrimination is. *You* have never been discriminated against."

These two incidents illustrate discrimination in only two areas, one in hotels, the other on trains. The list can be extended to cover every department of life.

It should be noted that it is not only Negroes who are discriminated against in all these different ways. In certain sections of the Southwest Spanish-speaking people are in some respects treated with even less humanity than that shown Negroes. On the West Coast, even before the war, many persons of Oriental descent, including those who were American citizens, were looked down upon and denied the ordinary amenities extended to white persons. There are, too, as everyone knows, the multitude of discriminations practiced against Jews, and not merely in what remains of Nazi Germany but throughout the United States. Truly, we have a long way to go.

Evils of Discrimination

But some might ask: "What is wrong about discrimination?" The answer is that it is evil because it does violence both to God's law and to all American concepts of fair play. At this point, however, it will be enough to say that discrimination inflicts character injury both on those who discriminate and on those who are discriminated against.

First, it strikes back on those who discriminate. It inflates them with a better-than-thou attitude toward others, which, as the history both of families and of individuals shows abundantly, finds retribution sooner or later in the humiliation that follows pride. There seems to be little need to labor this point.

Moreover, if discrimination is an evil for those who discriminate, it is assuredly no less an evil for those who have to suffer under it. One need only recall the soul-depressing and demoralizing wounds which a minority suffer because the majority regard them and treat them as inferior. Is it not extraordinary that the members of the Negro "minority" in particular have been able, in the face of this cruel handicap, to hold up their heads, to send their boys and girls to school, and to look forward with something like hope to a better future? When it is recalled that even as late as 1947, Negroes are told openly in one State at least that they must submit to "white supremacy" and that they had "better not vote," must one not marvel at the restraint they have put upon themselves and at the progress they have made in the short space of years since 1870?

Needless to say, discrimination against "minority" groups flies in the face of all for which our country stands. From the beginning, we have prided ourselves that the United States is the land of free opportunity. In 1787 we wrote into the Preamble of our Constitution that the Constitution seeks as one of its aims to secure "the blessings of liberty to our-

selves and our posterity." Later, in 1868, we spelled out this purpose in the 14th Amendment by declaring that no State shall "deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." In 1870 we added the 15th Amendment asserting, "The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

On May 18, 1917 President Wilson signed the Selective Military Act to draft troops for World War I. All men between the ages of 18 and 30, regardless of race, religion, or other "minority" affiliation, were conscripted for service, and all races and "minorities" served, and all shed their blood, as they had done in earlier American wars where they had served as volunteers. Likewise after Pearl Harbor in World War II there was the same conscription and the same patriotic response. All men of military age, regardless of race, creed, or color, were called into service, and all races and religious bodies made their sacrifice quite apart from any consideration of race, creed, or color. *In war no distinction is made. In peace none may be made. This is elementary justice and it is elementary Americanism.*

But one can go much further. Anything that has any remote resemblance to discrimination is not only anti-American, but anti-Christian as well. Jesus Christ, the Son of God, declared that second only to the supreme law binding us to love our God is the law binding us to love our neighbor. "Thou shalt love thy neighbor as thyself" He taught. And He added, "Do this and thou shalt live." (Luke x. 27.)

This law reaches into the heart of man. It takes hold of his inner being. The present problem, however, is to have this law, insofar as it applies to discrimination in employment embodied in the statutes of our land. To this problem the reader is now asked to turn.

III

What Government Should Do

THE typical FEPC Bill now currently discussed, either for the Federal or State governments, is directed at only one form of discrimination, namely, that practiced in industry. The usual FEPC bill has nothing to do with the poll tax, or lynching, or restrictions on housing or hotel accommodations, or any of the other tyrannies practiced against "minorities" because of difference in race, creed, color, or national origin. It singles out only one of these tyrannies and it forbids an employer, a union, an employment agency, or an individual citizen to do anything that would deny equal job opportunity, when merit of candidates is equal, to any man or woman because he or she belongs to what is called a "minority" group.

Even though such a bill is limited to the outlawing of job discrimination, every day experience justifies the prediction that the bill, when made law, would be a tremendous help in breaking down the numerous other discriminations imposed on "minorities" outside of industry. It is axiomatic that when people learn to work together, they also learn to live together.

An FEPC law would say to an employer: When you take on new employees and those who present themselves for jobs are of equal capacity, you may not refuse to hire any one of them solely for the reason that he or she belongs to a "minority" race or group. It would also say to him: Assuming equal skill and seniority among your employees, when you upgrade or make any changes in your personnel, you may not penalize a person, only because of the color of his skin or because of his race or creed or national origin, by slipping in someone else ahead of him.

An FEPC law would also forbid a labor union or an employment agency or any individual citizen to do anything that would prevent a person from getting a job or from enjoying equal job opportunity with all others, merely for reasons of race, creed, color, or national origin. Thus it is clear that a law of this kind would place no great burden on employers or on anyone connected with industry. It would merely require them to give a Negro or any other "minority" person what our robust American colloquialism calls an "even break."

At this point an objection frequently lodged against an FEPC may be considered. The objector may say: "Sure, everyone should get an equal break with every one else. That's just plain fairness and simple decency. But you are not going to get those things done by law. Education, not law, is the remedy."

To this the reply is at hand: Of course, let us have education, and more and more education. But at the same time let us not deceive ourselves by using education as a subterfuge for doing nothing. We can educate at the same time that we legislate. And it is very much to be doubted whether in the field of job discrimination we can educate unless we also legislate. Actually the law itself will be a potent force to teach men and women by actual practice, that white people and Negro people and people of different "minorities" can work harmoniously side by side. Experience will be the teacher. Educate, indeed, but pass a law to help the process of education.

The Right to Work

An FEPC law should be viewed from the standpoint of a man's moral right to work. Common justice demands that whenever a job is open, regardless of the skill it requires, a Negro or any "minority" person possessing the qualifications necessary for the job together with the seniority rights equal

with those of other applicants, has a right that is equal (and indeed one that is higher if he has higher seniority) to the right of any of these applicants, to that job. It may be that this affirmative statement of principle will be brushed aside as so "safely academic" as to be meaningless. If so, its full import will perhaps be clearer when put in negative form. So worded it would read: When a job, however skilled, is available, no Negro or "minority" member who is equally competent with others or who holds the same seniority as any one of them, may be excluded from the job in question, solely because of his race, creed, color, or national origin. Moreover, if this person stands higher than the others on the seniority list, he has in justice a prior right over them to the job and may not in justice be shut out from it. In actual practice it is this right against exclusion either from work or from bettering oneself at work, and only this right, that a statutory FEPC would protect.

In this connection, the writer recalls what Samuel Zemurray, President of the United Fruit Company, and an employer member of the Federal FEPC in 1943, used to say, and say with considerable warmth: "It is the height of arrogance for one man to say to another: 'You have no right to work.' When he says *that*, he says in effect, 'You have no right to live.'" Mr. Zemurray's statement is nothing more than good old-fashioned American common sense, heavily charged with good old-fashioned American regard for justice.

Edmund Burke, the defender of the American Colonies during our war for independence, in 1778 in his second letter to *Gentlemen in Bristol*, put the same idea no less strongly but on a more solid basis. He asserted: "The Author of our nature has written it strongly in that nature, and has promulgated the same law in His written word, that man shall eat his bread by his labor; and I am persuaded that no man, and no combination of men, for their own ideas of their particular profit, can, without great impiety, undertake to say that he *shall not* do so—that they have no sort of right either to

prevent the labor or to withhold the bread." (*Works of Edmund Burke*, Vol. 2, p. 260.)

Here unquestionably is the most fundamental argument of all for a statutory FEPC. It starts from the premise that a man has certain rights that his Creator has placed in him; that among these rights is his inviolable right to live by honest work; and that no other man may in conscience shut him off from exercising any one of these rights.

This reasoning in support of an FEPC is quite different from another type of reasoning which also favors a legal FEPC but on different grounds. Thus many persons are heard to say, "We should have an FEPC because it will eliminate race tensions and even race riots." True, an FEPC would doubtless contribute heavily toward these salutary results.

But such reasoning is too narrow and even too selfish. Does it not seem to be born of the fear that if the majority are not just to the minority, the minority might turn on, and do great harm to the majority?

Is it not much more honorable and much more in keeping with Christian faith to start from the premise that the worker's right to a job and his right to self-improvement are *his* rights because God gave them to him? To the Christian all the links of the chain fit together. To him the Negro or the member of any "minority" is just as precious as any one else in the sight of God, and therefore no one else has the right to exclude him from exercising his God-given rights. Rather everyone has a duty before God to help him as a brother, and to help him in every lawful way. Is this anything less than genuine Americanism? Is it anything less than authentic Christianity?

Equal Justice Under Law and Equal Law Under Justice

Let the reader consider next the use of government to protect certain rights that a man possesses as a man. Over the

imposing marble building in Washington which houses the United States Supreme Court is carved in huge letters the noble legend EQUAL JUSTICE UNDER LAW. That inscription proclaims to the people of our country the whole theory of our government and especially that of our judiciary.

Every American is entitled to justice. And the justice to which he is entitled is not an arbitrary justice to be rendered by a judge who perhaps might wish to indulge his personal whims or prejudices. It is EQUAL JUSTICE UNDER LAW, that is, justice within the framework of the legislation written by the representatives of the people themselves. Moreover, it is the right of our people under our democratic government to add to or to take from the body of law as we the people see fit, in order to secure or to promote justice. Accordingly any Catholic or non-Catholic organization promoting the establishment of an FEPC is staying well within the philosophy EQUAL JUSTICE UNDER LAW. No less important, from the standpoint of its own thinking at least, such an organization is really advocating EQUAL LAW UNDER JUSTICE. In procedure and in what it seeks to accomplish it is acting in the best traditions of American democracy.

Obligation of Government to Intervene

Should our government intervene to stamp out the evils which an FEPC seeks to eradicate? Every enlightened American citizen will reply that our government has the clear duty to do so. Every informed Catholic citizen will take the identical position, reinforcing his stand with the principle which Pope Leo XIII laid down in 1891 in his encyclical *On the Condition of Workers*, and which no one can successfully gainsay. In this monumental document His Holiness drew the line between justifiable and non-justifiable intervention by a government seeking to correct either existing or threatening evils. And he concludes: "If, therefore, any injury has been done to or threatens

either the common good or the interests of individual groups, which injury cannot in any other way be repaired or prevented, it is necessary for public authority to intervene." (Par. 52.)

Surely all these conditions are present insofar as the evils of discrimination in industry are concerned. These evils are here. They not only threaten. They exist. They cannot be repaired or prevented in any other way than by governmental action. They cannot, as all experience shows, be removed by private initiative. The duty of government is clear. It has the plain obligation to intervene. It should lose no time, and enact an FEPC statute at once.

But some may say: "The evils of discrimination are evils and admittedly should be removed, but government cannot remove them." To reply one need point only to the highly successful use of government in the case of the National Labor Relations Act which has for one of its chief purposes the outlawing of another and an equally fundamental kind of discrimination, discrimination because of union activity. In this field the government was faced with an evil ruthlessly disregarding the natural rights of workers to associate for the purpose of collective bargaining. The Federal Government intervened in 1935 and it has achieved remarkable success in stamping out this evil. The National Labor Relations Act illustrates the point that when a high principle of morality is written into law, even in the face of violent opposition, the law embodying that principle can be made to work not only because the principle is right, but because it is given the added dignity of government. If one asks for experience from the field of Fair Employment Practice Commission legislation, reference can be made again to the highly successful operation of the FEPC laws in New York, Massachusetts, and New Jersey.

Call to Employers and Fellow Workers

Assuredly the evil of job discrimination will not be abolished by merely passing a law. The law must be enforced after it is passed. Here there will be required fullest cooperation of the parties directly concerned with employment, that is, management and labor.

In the first place, employers should take the initiative and assist in securing enforcement of the law both with regard to hiring and to upgrading. Some corporations have made an enviable beginning. It is encouraging to note that the American Telephone and Telegraph Company recently announced a policy of employing qualified Negro women as telephone operators in certain large cities, such as New York, Boston and Detroit. It is not necessary to mention certain other corporations who have consistently and with no little success pursued a policy of non-discrimination for men and women employees. The only point in referring to these industries is to show that non-discrimination in employment can be effected when management sets out to effect it.

Again, labor organizations will also be expected to do their part. It is a matter of public knowledge that the record of some labor organizations in extending first-class union membership to Negroes equally with whites is much better than that of others. So far as union officials are concerned it can be said without successful denial that the overwhelming number of national union officers would strongly favor a policy of non-discrimination as to union membership and union rights, and would gladly put such a policy into effect were it not for the opposition of rank and file members here and there. To the rank and file members in particular the appeal is made to set aside all feeling of race prejudice and to support their officers to the limit in establishing within their local and national unions a policy which is at once just, humane, and Christian.

Summary

In summary, it is clear, according to divinely-revealed Catholic doctrine, that there is but one human race for which the Son of God became man and founded His Church. Any concept of "minority races" is contrary to the teachings of Christ and is pagan. Further, the virtue of charity demands that human beings regard all other human beings as brothers of Christ and equal with themselves in the eyes of God.

These fundamental doctrines require that Catholics undertake individual and organized action to make known and to put into operation in various fields of life equal treatment of all human beings.

Discrimination, unfortunately, continues to be practiced in this country in various forms and against numerous so-called minority groups. Although Negroes are most discriminated against, Spanish-speaking Americans, Oriental Americans, and Jews are also subjected to varying degrees of unfair treatment. And discrimination, no matter what its form, is evil for those who discriminate as well as for those who are discriminated against. It is a violation of God's law and the American way of life.

A mere attitude of "tolerance" with respect to race, even though much more desirable than the general sentiment now prevailing, is not sufficient for the Catholic citizen. Knowing the Commandments of God and especially the two great Commandments upon which "depend the whole Law and the Prophets"—first to love God and second to "*do* unto others" for the love of God—he should seek to express his conviction by action. This action may be manifested both in personal relationships and in support of legislation, Federal and State,

to outlaw racial discrimination in industry. This legislation, while necessarily limited to industry, would help to destroy unfair treatment of "minorities" in other situations and relationships. It would be part of that general education of all citizens in the practice of equal justice under law and equal law under justice.

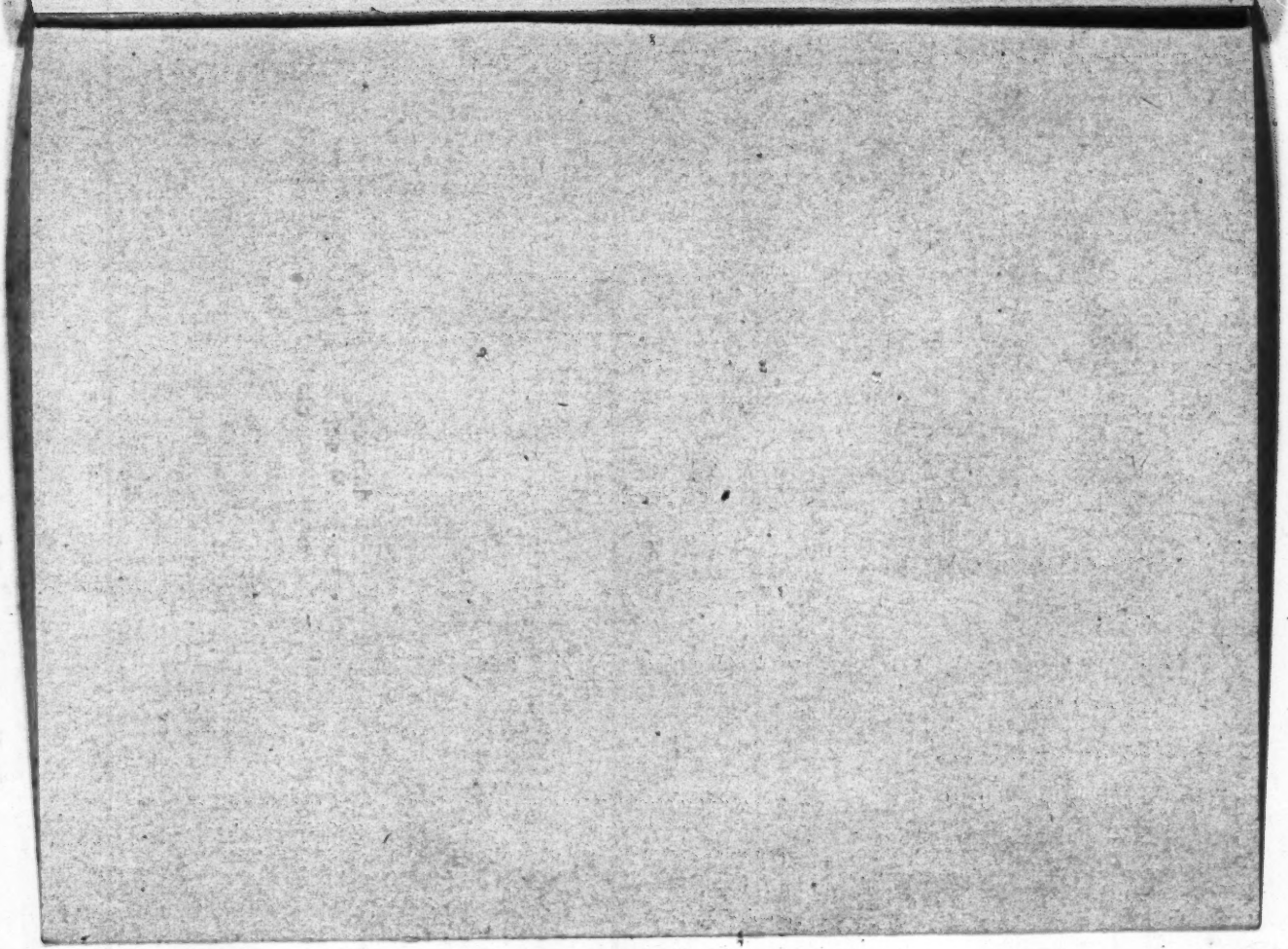
QUESTIONS

Catholics, Race, and Law

(Prepared by Miss Mary Synon, Editorial Consultant, Commission on American Citizenship, Catholic University of America, Washington, D. C.)

1. How does the attitude of belief in racial inequality violate the basic principle of American institutions?
2. Why must we as Catholics accept the principle of racial equality?
3. How did Plato's idea of a state differ from the Christian idea?
4. How and where did Pius XII emphasize the Christian concept of the law of human solidarity?
5. Is racial isolationism defendable in Christian doctrine?
6. What is distributive justice? What is social justice? What is commutative justice?
7. How can the ends of justice be attained? By belief alone or by belief and action?
8. How did Saint Peter Claver serve the Negroes in the slave sheds at the port of Cartagena?
9. How can Catholic Action help to win general recognition of racial equality? Should this action be individual as well as organized?
10. How can equal employment opportunities for Negroes and whites be attained in industry?
11. Are employers accountable for non-discriminatory policies in their establishments?
12. Have Catholic employers done more or less than others to establish justice in non-discriminatory employment of races?
13. Is racial discrimination in employment more prevalent among employees than it is among employers?

14. Does this widespread employee attitude affect union leaders in their decisions on racial discrimination?
15. Is white employee resentment against Negro workers caused entirely by economic fear?
16. How would a study of employment in defense plants during World War II prove the possibility of harmony in industrial racial relationships?
17. What would be a practical Catholic way to effect justice to Negroes and other workers discriminated against by others in industrial employment?
18. Why is there a crying need for a Federal Fair Employment Practices law?
19. How can an individual Catholic help enact such legislation?
20. What is "discrimination"? Does it demoralize the discriminator as well as injure the person against whom it is directed?
21. Is it only the Negro who meets discrimination in employment?
22. Should not a nation which takes the services of the Negro in time of war enforce equal employment rights for him in time of peace?
23. Is not the passage of an FEPC bill a necessary preliminary to effective social education against racial discrimination?
24. What do we mean by "the right to work"?
25. What is the most fundamental argument for Federal Fair Employment Practices legislation?
26. How has our government proclaimed its responsibility toward all our people to put into effect Equal Justice Under Law?
27. What is the manifest duty of government in a situation which unjustly affects large numbers of its people?



National Council

for a Permanent Fair Employment Practice Committee

930 F Street, N. W., Washington 4, D. C. Telephone: Executive 2233

Honorary Chairmen
SENATOR ARTHUR CAPPER
SENATOR ROBERT F. WAGNER

Co-Chairmen
REV. ALLAN KNIGHT CHALMERS
A. PHILIP RANDOLPH

Chairman, Executive Committee
ROY WILKINS

Treasurer
WILLIAM JAY SCHIEFFELIN

Executive Secretary
ELMER W. HENDERSON

Director, Legislative and Public Relations
PAUL SIFTON

National Board of Directors
ROGER N. BALDWIN
MISS LINNA E. BRESETTE
JAMES B. CAREY
REV. J. HENRY CARPENTER
ASHBY CARTER
LEO M. CHERNE
ROBERT R. CHURCH
EARL B. DICKERSON
MAX DELSON
THURMAN L. DODSON
MELVYN DOUGLAS
ELSIE ELFENBEIN
EDWIN R. EMBREE
HENRY EPSTEIN
JUDGE GERALD F. FLOOD
WILLIAM I. GIBSON
FRANK GOLDMAN
RABBI SIDNEY E. GOLDSTEIN
LESTER B. GRANGER
BISHOP J. A. GREGG
JOHN GREEN
WILLIAM GREEN
MOST REV. FRANCIS J. HAAS, D.D.
DR. CAMERON HALL
LUCIUS C. HARPER
ADOLPH HELD
SIDNEY HOLLANDER
CHARLES H. HOUSTON
HUBERT H. HUMPHREY
GEORGE K. HUNTON
MRS. THOMASINA W. JOHNSON
ALFRED BAKER LEWIS
IRA F. LEWIS
MRS. RUTH B. LIPPER
BENJAMIN F. McLAURIN
MORRIS MILGRAM
PHILIP MURRAY
CECIL E. NEWMAN
DOROTHY S. NORMAN
CHAT PATTERSON
JACOB S. POTOFSKY
JUDGE JOSEPH M. PROSKAUER
WINIFRED RAUSHENBUSH
WALTER REUTHER
COL. MILTON RICHMAN
G. HOWLAND SHAW
BORIS SHISHKIN
MRS. HARPER SIBLEY
MAX H. SORENSON
RODERICK STEPHENS
WILLARD S. TOWNSEND
NOAH WALTER, JR.
PHILIP WEIGHTMAN
WALTER WHITE
J. FINLEY WILSON
DR. STEPHEN S. WISE
SAMUEL WOLCHOK
MAX ZARITSKY
CHARLES S. ZIMMERMAN

181

October 27, 1947

THE FIGHT FOR FEPC

Dear FEPC Co-Worker:

It may be laboring the obvious to say to you that the fight for the new FEPC bill will not be won in Washington but can only be won and will be won in your community by the strength and vigor of your activity in behalf of the bill and your insistence that your Congressman and Senators vote for it next January. Congress must know the extent of public support for fair employment all over the country and the urgent need for it in all areas.

Please be sure to talk with your Congressman and Senators while they are at home and let us know their response.

Frankly, the lever is in your hands.

Elmer W. Henderson

Elmer W. Henderson
Executive Secretary

See the attached special memo on local activity. Write for more information if you need it.

ANNA BELLE DOUGLAS TO TOUR SOUTH

We are extremely pleased to announce that Mrs. Anna Belle Douglas of New Orleans has re-joined our staff. She will work primarily in the South servicing our local councils and mobilizing support for the FEPC bill. Mrs. Douglas worked with the Council in 1945 and '46 and is well remembered for the remarkable job of pioneering she did during that period.

OUTLAW DISCRIMINATION IN EMPLOYMENT

Pass Senate Bill 984 and House Bill 2824

HEARTENING SUPPORT

In recent months the National Council for a Permanent FEPC has received substantial contributions from a number of civic, religious and labor organizations. We have been greatly inspired by these concrete expressions of support and look forward to increased assistance from the many individuals and groups throughout the country who believe in and are willing to work for our fair employment bill. We are approaching the climax of our effort. We must have funds to carry on.

MAKE "YEAS" WHILE CONGRESSMEN ARE AT HOME

Congress will return November 17. There is not much time left. The enemies of FEPC are working overtime. They are calling for a return to the "good old days" of job discrimination, playing race against race, religion against religion. Donald Richberg, who was once considered a liberal but is now a wealthy corporation lawyer, says employers have a right to discriminate and calls the FEPC bill "destestable".

SPEAKERS BUREAU

We are endeavoring here to organise a list of available nationally known speakers that you can draw on for large FEPC dinners or mass meetings. More on this later.

BOARD OF DIRECTORS

The National Board of Directors of the Council will meet in Washington in the Willard Hotel December 15, to make final plans for bringing the FEPC bill to a vote when Congress returns in January.

NATIONAL DELEGATE CONFERENCE IN FEBRUARY '48

A national delegate conference of representatives of cooperating organizations and local councils all over the country is being called for Washington, D. C., early in February next year. Stand by for more information on this soon.

NEWS OF LOCAL COUNCIL ACTIVITY

An early bulletin will deal extensively with the activity of local councils around the country.

WRITE IN FOR LITERATURE

Write us for literature and suggestions on local programs. We are anxious to hear from you.

Are you up to date on the FEPC Bill? Committee action? Present status? Write us for any information you need.

A. PHILIP RANDOLPH
INTERNATIONAL PRESIDENT

MILTON P. WEBSTER
1ST INTERNATIONAL VICE-PRESIDENT
3456-58 SOUTH STATE STREET
CHICAGO, ILLINOIS

BENNIE SMITH
2ND INTERNATIONAL VICE-PRESIDENT
1308 BROADWAY, ROOM 305
DETROIT, MICHIGAN

NCFEPC
Miami Chairmen

BROTHERHOOD of SLEEPING CAR PORTERS

TRAIN, CHAIR CAR, COACH PORTERS & ATTENDANTS
AN INTERNATIONAL UNION
AFFILIATED WITH THE A. F. OF L.

217 WEST 125TH STREET
(ROOM 301)
NEW YORK 27, N. Y.
MO 2-5080 - 1
NIGHTS, SUNDAYS AND HOLIDAYS
UNIVERSITY 4-8262

440

ASHLEY L. TOTTEN
INTERNATIONAL SECRETARY-TREASURER

E. J. BRADLEY
3RD INTERNATIONAL VICE-PRESIDENT
11 NORTH JEFFERSON STREET
ST. LOUIS, MISSOURI

C. L. DELLUMS
4TH INTERNATIONAL VICE-PRESIDENT
1716 SEVENTH STREET
OAKLAND, CALIFORNIA

March 8, 1948

Dear Friend:

No doubt you are aware of the great effort being made to get the Congress to enact, in the next few weeks, legislation creating a permanent Fair Employment Practice Commission. A few weeks ago President Truman in a special message to Congress asked that body to pass legislation creating a permanent FEPC. A few days after the President made this request, the Senate Committee on Labor and Education, headed by Senator Robert A. Taft, Republican from Ohio, approved the bill by a vote of 7-5. Senator Taft has stated that the Senate will probably act on the FEPC Bill after the European recovery and the tax problems have been settled.

I need not tell you how vitally important it is at this time that we exert every ounce of energy possible in the current stretch drive for this very necessary piece of legislation. Throughout the nation Negroes, Jews, Catholics and other citizens of minority status are girding their forces to convince the Congress that this legislation must pass.

Your city of Miami is participating in this program. A local chapter of the National Council for a Permanent FEPC is under the Co-Chairmanship of Mrs. Madeline Portier and Mr. Domes. The citizens on this Council are working hard to insure that Miami does its bit in this noble undertaking. The cost of such a gigantic effort is tremendous. To develop the program of the National Council for a Permanent FEPC so that it may adequately inform the American citizens, the members of Congress and other government officials requires an expenditure of more than five thousand dollars a month.

Inasmuch as Negroes are the chief victims of Jim Crow employment practices, the greatest burden of responsibility for passing this Bill rests upon them. Negroes in every section of the nation are putting forth great efforts in behalf of this program.

I am requesting that you give this program your immediate consideration and that you participate with the local council in activizing and informing the liberal citizens in general and the Negro citizens of Miami in particular, of this cause.

Further, I am requesting that you individually and collectively through your various church, civic, social and fraternal organizations, contribute most generously of your funds to the National Council for a Permanent FEPC.

You will be contacted shortly by a representative of the Miami Council for a Permanent FEPC. I feel certain that you will respond generously. If we fail at this time to get legislation creating a permanent FEPC, it is doubtful if an opportunity as favorable as currently exists will present itself in a long time.

Therefore, on behalf of the National Council for a Permanent FEPC, I appeal to you for participation and funds, and I feel certain that the citizens of Miami will nobly respond.

Fraternally yours,

A. Philip Randolph

A. Philip Randolph
Co-Chairman, National Council for
a Permanent FEPC

APR:RB

National Council for a Permanent FEPC

930 F. Street N.W., Washington 4, D. C.

Officers

Honorary Chairmen
SENATOR ARTHUR CAPPER
SENATOR ROBERT F. WAGNER

Co-Chairmen
REV. ALLAN KNIGHT CHALMERS
A. PHILIP RANDOLPH

Treasurer
WILLIAM JAY SCHIEFFELIN

National Board of Directors

ROGER N. BALDWIN
Director, American Civil Liberties Union

LINNA E. BREEITE
National Catholic Welfare Conference

JAMES B. CAREY
Secy., Congress of Industrial Organizations

REV. J. HENRY CARPENTER
Cooperative League of America

ASHBY CARTER
President, National Alliance of Postal Employees

LEO M. CHERNE
Executive Secy., Research Institute of America

ROBERT R. CHURCH

MAX DELSON
New York FEPC Council

EARL B. DICKERSON

THURMAN L. DODSON

MELVYN DOUGLAS
Los Angeles FEPC Council

ELSIE ELFENBEIN
Exec. Dir., Natl. Council of Jewish Women

EDWIN R. EMBREE
President, Julius Rosenwald Fund

HENRY EPSTEIN
Chm., Natl. Community Relations Advisory Council

JUDGE GERALD F. FLOOD

WILLIAM I. GIBSON

FRANK GOLDMAN
President, B'nai B'rith

RABBI SIDNEY E. GOLDSTEIN

LESTER B. GRANGER
Executive Secretary, National Urban League

BISHOP J. A. GREGG

JOHN GREEN
Pres., Industrial Union of Marine & Shipbuilding Workers

WILLIAM GREEN
President, American Federation of Labor

MOST REV. FRANCIS J. HAAS, D.D.

DR. CAMERON HALL
Exec. Sec., Dept. of Church & Economic Life, Federal Council of Churches

LUCIUS C. HARPER

ADOLPH HELD
President, Jewish Labor Committee

SIDNEY HOLLANDER

CHARLES H. HOUSTON

HUBERT H. HUMPHREY
Vice Chairman, Americans for Democratic Action

GEORGE K. HUNTON
Exec. Sec., Catholic Interracial Council

THOMASINA W. JOHNSON

ALFRED BAKER LEWIS

IRA F. LEWIS

RUTH B. LIPPER

BENJAMIN F. McLAURIN
Brotherhood of Sleeping Car Porters

MORRIS MILGRAM
Exec. Sec., Workers Defense League

PHILIP MURRAY
President, Congress of Industrial Organizations

CECIL E. NEWMAN
Minnesota FEPC Council

DOROTHY S. NORMAN

CHAT PATTERSON
Chairman, American Veterans Committee

JACOB S. POTOFSKY
President, Amalgamated Clothing Workers

JUDGE JOS. M. PROSKAUER
Pres., American Jewish Committee

WINIFRED RAUSHENBUSH

WALTER REUTHER
Intl. President, United Automobile Workers, CIO

COL. MILTON RICHMAN
National Commander, Jewish War Veterans

G. HOWLAND SHAW

BORIS SHISHKIN
Amer. Fed. of Labor

MRS. HARPER SIBLEY
Pres., United Council of Church Women

MAX H. SORENSON
National Commander, Catholic War Veterans

RODERICK STEPHENS

WILLARD S. TOWNSEND
Pres., United Transport Service Employees

NOAH WALTER, JR.

PHILIP WEIGHTMAN
Vice-Pres., Packinghouse Workers Union, CIO

WALTER WHITE
Secy., National Association for the Advancement of Colored People

J. FINLEY WILSON
Grand Exalted Ruler, IBPOEW

DR. STEPHEN S. WISE
President, American Jewish Congress

SAMUEL WOLCHOK
Pres., Retail, Wholesale & Dept. St. Un., CIO

MAX ZARITSKY
Pres., United Hatters, Cap & Millinery Workers Intl. Un.

CHARLES S. ZIMMERMAN
Vice-President, International Ladies' Garment Workers' Union

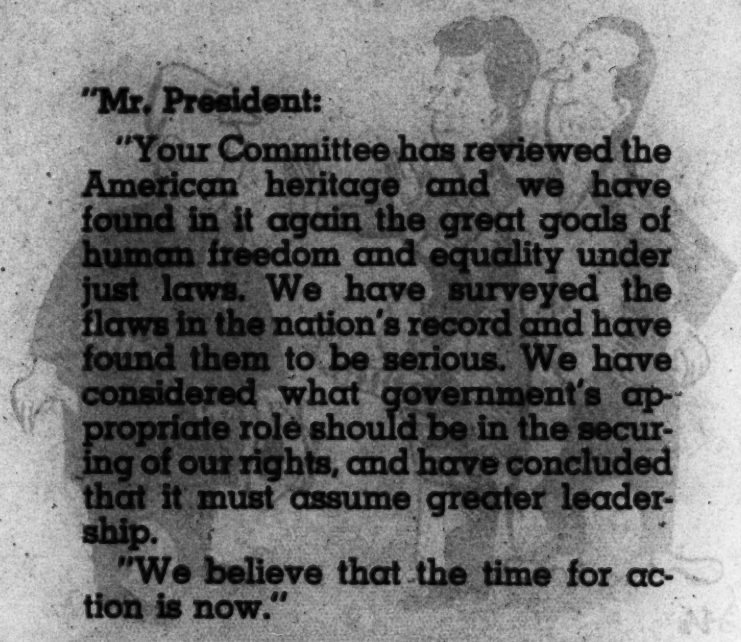
justice on the job

before you vote

FEPC...

or else...

in 1948



"Mr. President:

"Your Committee has reviewed the American heritage and we have found in it again the great goals of human freedom and equality under just laws. We have surveyed the flaws in the nation's record and have found them to be serious. We have considered what government's appropriate role should be in the securing of our rights, and have concluded that it must assume greater leadership.

"We believe that the time for action is now."

President's Committee on Civil Rights

October 29, 1947

FEPC . . . or else

Unless the Ives - Chavez - Fulton Bill Against Discrimination in Employment (S. 984 - HR.2824) is pried loose and passed before Congress quits for the 1948 political campaign, members of minority groups will go into that campaign as second-class citizens in employment. Again they will be offered the windy campaign promises on FEPC, the all-day sucker of action *manana* — tomorrow and tomorrow and tomorrow.

This need not happen. FEPC can be made law in 1948.

It's up to voters in minority groups and other sincere, determined friends of fair employment. They can bring about the enactment of S.984 - HR.2824 *before* Congress quits — IF they want to.

How?

By convincing the politicians in both parties that, unless FEPC is made law those politicians will be wasting their time, their breath and their campaign cigars trying to get the votes of America's minorities.

The password for 1948 must be

FEPC . . . or else

or else we're not interested in the palaver of any politician, candidate or party. **Enactment of FEPC (not a phoney and insulting "educational" or "local enforcement" substitute) is what counts. Nothing less and nothing else will do.**

Will this work?

Yes, if the friends of fair employment mean it. The politicians can't be kidded. The politicians will know whether it's really "FEPC — OR ELSE" in 1948. The politicians know that minority groups can swing the election for President and Congress either way — *if* they register and vote. Their votes are the balance of power. They are the margin necessary for either the Republican or Democratic Party to win in 1948. Both parties know it.

Look at these figures for some politically doubtful states.

State	Electoral Votes	State	Electoral Votes
California	22	Missouri	15
Colorado	6	New Jersey	16
Connecticut	8	New Mexico	3
Delaware	3	New York	47
Illinois	29	Ohio	26
Indiana	14	Oklahoma	11
Iowa	11	Oregon	5
Kansas	9	Pennsylvania	36
Kentucky	11	Rhode Island	4
Maryland	8	Tennessee	11
Massachusetts	17	Washington	8
Michigan	19	West Virginia	8
Minnesota	11	Wisconsin	12
		TOTAL	370

To win, the Republicans or Democrats must get at least *266* of the *531* electoral votes.

The Democrats have *113* sure electoral votes (from the solid South.) That leaves *418*. Of these, the Republicans must get *266*, the Democrats *153*.

In 1948, as in the past, victory will be determined in the states listed above. It is in these same states that the minority groups' vote is concentrated. Not only in the Presidential election but in hundreds of contests for Representative and Senator, they can swing the election either way. (Write the National Council for a Permanent FEPC for facts showing past party

votes and margins and the number of Negro and other minority voters in key doubtful States.)

The Republican Party controls both Houses of Congress. The Republican Party can pass FEPC whenever the GOP leadership decides that enactment of S.984 - HR. 2824 is a political *must* for victory in 1948.

The overwhelming Republican majority in the House (*245* to *188*) can pass the bill any time the Republican National Committee gives the green light. They will have the help of at least *58* sure votes of Democrats outside the South.

The Republican Senate majority (*51* to *45*) can shut off the Southern poll taxers' filibuster with a two-thirds vote for cloture (a limit on debate) whenever the Republican leadership gives the word. They will have the sure votes of at least 14 Democratic Senators outside the South, or more than the necessary two-thirds majority.

How can the politicians be convinced that America's minorities are really in earnest about FEPC?

Only by proof. That proof can NOT be given by high-powered statements and propaganda issued from Washington or New York or Chicago. The only proof that will count with the politicians of the Republican and Democratic parties must be laid on the line by voters living in the houses, the tenements, blocks, wards, precincts, towns, cities, counties and States where citizens are going to register and vote in the primaries and the elections of 1948.

The proof must be supplied by individual citizen-voters themselves, by you, your friends and neighbors and the members of organizations to which you belong.

Defeat or victory for FEPC in 1948 is in your hands. If you say "FEPC—OR ELSE" and *mean* it, *act* on it and *work* at it — the job can be done. The politicians will be convinced and the Bill will be passed. If you don't, it won't.

This is the way democracy works. Use it now for 1948, or resign yourself to a run-around on job discrimination for years to come.

Where is the FEPC Bill Now?

It is stuck in the Senate Labor and Public Welfare Committee, thanks to the opposition of poll tax Democrats and Republican failure to support the motions of Senator Ives (R., N. Y.) and Murray (D. Mont.) to report it favorably without weakening amendments. It is in danger of being amended into a joke by:

(a) making it purely "educational," or
(b) turning its enforcement over to local law officers.

This would give most protection where least needed, least protection where most needed. In the South, it would mean no protection at all. In terms of fair employment, it would split the Union.

In the House of Representatives the Labor Committee has postponed hearings, waiting for a go-ahead signal from the Republican majority leaders, Speaker Joe Martin (R., Mass.), Majority Leader Charles Halleck (R., Ind.), and Steering Committee Chairman Clarence Brown (R., O.) No such signal has been given.

For three years leaders of both the Republican and Democratic Parties have failed to make good on their 1944 campaign pledges for a permanent FEPC.

For three years, more than 20 million American citizens of minority groups have continued to suffer employment injustice and the loss of billions of dollars in wages and purchasing power.

For two and one half years, our treaty obligation under the United Nations Charter to promote fair employment (Articles 55 and 56) have not been kept.

Enactment of the Ives-Chavez-Fulton Bill Against Discrimination in Employment (S984-HR2824) is essential if we are to practice here in the U.S.A. the democracy we preach throughout the world.

What can you do?

Plenty!

Paste the partial list "Action You Can Take" on the mirror where you shave (or make yourself pretty) and check off each item as you do it. You'll be working for yourself, for economic justice and for genuine democracy on the job. You'll be working for peace and prosperity in industry, in the USA and in the world.

Action You Can Take Now

1. **Make up your mind that in 1948 it's "FEPC — or Else" so far as politicians, candidates or parties are concerned.**

2. **Be sure that you and every voter in your family *registers* to vote in both the primaries and the November elections.**

If you don't register, you can't vote — and the politicians figure on that.

Unless you can vote in 1948 you're counted out.

If you *can* vote, they'll pay attention when you say it's "FEPC — or Else."

3. Be polite, but firm, in telling all political workers that *it's "FEPC — or Else" you're not interested in their line of talk.* Explain that action on FEPC will speak louder than words—and for three years the silence has been deafening.

   Tell them that the first three months of the 1948 session of Congress is the time for their parties to put up or shut up on FEPC.

4. Get active in local political organizations and sound off early and often on "FEPC — or Else."

5. Hunt up the political leaders in your block, precint, ward, Congressional District and State and let them have the news that in 1948 it's "FEPC — or Else."

6. Talk "FEPC — or Else" on the job, in church, at lodge and union meetings. Talk "FEPC — or Else" day and night. Do it in your sleep — your better half will hear it and do likewise.

7. See that your Congressman and Senators (2) get the word "FEPC — or Else" early and often. They, too, are entitled to this service.

   See that they get the FEPC resolutions passed by your organizations.

8. Let your local, group and organization newspapers (and radio) know how much steam there is behind "FEPC — or Else."

9. Send your money contributions to the National Council for a Permanent FEPC, 930 F St., N.W., Washington 4, D. C., to carry on the mobilization of "FEPC — or Else" activity across the Nation.

   (Make checks payable to William J. Schieffelin, Treasurer.)

Political Etiquette

How to Receive and Converse with Political Workers

CITIZEN ***(answering doorbell)*****—Yes?**

POLITICAL WORKER—May I come in?

CITIZEN—What are you selling?

POLITICAL WORKER — Nothing. I'm from the.....Party and —

CITIZEN ***(holding door open about three inches)*** **— What have you done about FEPC?**

POLITICAL WORKER—It's this way—

CITIZEN — It's this way in this house: We're busy trying to make a living. Come back when your party has passed FEPC —a *real* law that will be enforced.

POLITICAL WORKER—Let me come in so we can talk this over. You don't understand—

CITIZEN *(politely, but firmly)*—Nothing doing. With us, it's FEPC, or else we're not interested. If you don't mind my speaking frankly, 1948 is the year when your party has to put up or shut up on FEPC.

POLITICAL WORKER *(hopefully)* — Then you mean you aren't going to register?

CITIZEN—Oh, yes we are!

POLITICAL WORKER *(offhand)*—*How* are you going to vote?

CITIZEN—That depends. Right now, let's not waste each other's time. Come back when FEPC's been made a law and every American has a fair and equal chance for the kind of job he— or she— can do.

POLITICAL WORKER *(as the door starts to close)* — But, wait, you don't understand—

CITIZEN *(closing the door)* — We've waited a long time already. I understand plenty. And so do you, my friend.

CURTAIN.

Fair Employment is Good Business

Eric Johnston, former Chairman of the U. S. Chamber of Commerce

We are all in business together. Intolerance is a species of boycott and any business or job boycott is a cancer in the economic body of the nation—intolerance is destructive; prejudice produces no wealth; discrimination is a fool's economy.

Governor Ellis Arnall of Georgia

The so-called race question is an economic one, not social. Pay the Negro good wages for his work, give him the opportunity to demonstrate his own capacity to learn, work and earn, give him his Constitutional rights and you have solved this distorted so-called race problem.

R. E. Gillmor, President, Sperry Gyroscope Company, Inc.

Our country must find a way of utilizing its great productivity in peacetime to make a more abundant life for all of us. There is no essential conflict between selfishness and altruism. From a most practical point of view we are our brother's keeper.

Leo Cherne, Executive Secretary, Research Institute of America

Any community of workers that is discriminated against in employment is also a community of consumers who discriminates against the purchase of American-made goods. Any man who can't earn can't buy.

Walter White, Executive Secretary of the National Association for the Advancement of Colored People

Passage of this legislation would cause the continued growth of that consumer's market represented by America's fourteen million Negro citizens. Will the Congress and the manufacturers of the United States be wise enough to understand this and to act accordingly?

Dwight R. G. Palmer, President, General Cable Company

Our ancestors left the countries overseas to come here and practice equality and live on merit and live in democracy and in freedom.

A peacetime FEPC, which would provide a central point through which America's hope of democracy might be upheld, is of course extremely desirable.

A. Philip Randolph, Co-Chairman, National Council for a Permanent FEPC

Discrimination in employment keeps in motion a vicious circle in our economy. Such discrimination depresses wages for minority groups and, because of desperate competition for jobs by members of these minority groups, discrimination in employment exerts a downward drag on all wages. This, in turn, cuts mass purchasing power and thereby constricts the market for all goods and services.

The circle then begins another round as reduced markets cut production; reduced production cuts employment; reduced employment cuts wages, and, in the absence of effective standards of fair employment, tends to increase and aggravate the very discrimination in employment which set the vicious circle in motion. This is the road of depression, division and disaster.

National Council for a Permanent FEPC

The National Council for a Permanent FEPC is an organization of organizations; it comprises national, state and local, religious, labor, civic and welfare groups committed to the enactment of an effective federal fair employment practice law. The Council is the central coordinating and policy-formulating body for the achievement of this objective.

What It Does

The National Council for a Permanent FEPC maintains a full time staff in Washington to communicate to members of Congress and to party leaders the demand of the American people for action *NOW* to make the Ives - Chavez - Fulton Bill Against Discrimination in Employment (S. 984 and H. R. 824) a law.

It maintains a field staff to aid communities in establishing state and local FEPC councils.

It furnishes guidance as requested for state and local programming and activity.

It carries on a continuous and nationwide educational program to create an awareness of the dangers to democracy inherent in employment discrimination.

It supplies cooperating agencies and other interested groups with up-to-the-minute information about the status of FEPC legislation and the campaign for enactment.

It issues and distributes printed material, including a regular newsletter, leaflets, pamphlets, posters, buttons, etc.

It provides speakers for meetings, conferences, forums and discussion groups.

EEPC REFERENCE MANUAL

1948 Edition

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

•

COMMITTEE ON EMPLOYMENT DISCRIMINATION

fepc

reference manual

1948 edition

. . . the time for action is now

— President's Committee on Civil Rights
October 29, 1947

prepared by the

committee on employment discrimination
of the
national community relations advisory council
295 madison ave., new york 17, n. y.

Committee on Employment Discrimination of the National Community Relations Advisory Council

CLAUDE A. BENJAMIN, *Chairman*
Chicago Bureau on Jewish Employment Problems

SIDNEY HOLLANDER, *Vice-Chairman*
Baltimore Jewish Community Council

HARRY I. BARRON
Cleveland Jewish Community Council

ELI E. COHEN
Jewish Occupational Council

AARON DROOCK
Detroit Jewish Community Council

LESTER GUTTERMAN
Anti-Defamation League of B'nai B'rith

LESLIE LEVI
Jewish War Veterans of the U.S.

WILL MASLOW
American Jewish Congress

NATHANIEL M. MINKOFF
Jewish Labor Committee

HENRY MCCARTHY
American Jewish Committee

GEORGE SEGAL
Cleveland

ARNOLD ARONSON, *Director*

Contents

Page

1. Why an FEPC is Needed Now

Discrimination is Increasing 6
Discrimination is Immoral and Unjust 11
Discrimination is Un-American and Undemocratic . . 13
Discrimination is a Handicap in Our Foreign Relations . 16
Dscrimination is Bad for Business 20
Discrimination Violates Our Pledges to American Veterans 24
Discrimination Promotes Industrial Strife 28
From the Nation's Press 31

2. Origin, History and Effectiveness of FEPC

The President's Committee on Fair Employment Practice 34
Effectiveness of FEPC 38
Federal 38
State 41
Municipal 44
Legislative History of the FEPC 46

3. Analysis of Pending FEPC Legislation

Digest of Pending Bills 52
Comparison Between Pending and Previous Bills . . 55
Chief Points of Difference 57
What FEPC Does Not Do 62
Answering the Critics 64

Who's Supporting the Bills 67

Bibliography 69

"Yet most of all grant us brotherhood, not only for this day but for all years—a brotherhood not of words but of acts and deeds. We are all of us children of the earth—grant us that simple knowledge. If our brothers are oppressed, then we are oppressed. If they hunger, we hunger. If their freedom is taken away, our freedom is not secure. Grant us a common faith that man shall know bread and peace—that he shall know justice and righteousness, freedom and security, an equal opportunity and an equal chance to do his best, not only in our lands, but throughout the world. And in that faith, let us march toward the clean world our hands can make. Amen."

—Franklin Delano Roosevelt,
extract from Prayer for the
United Nations, June 3, 1942.

1

Why an FEPC Is Needed Now

Discrimination is Increasing

"The wartime gains of Negro, Mexican-American, and Jewish workers are being dissipated through an unchecked revival of discriminatory practices. The future status of minority group workers depends on the course of action to be taken by the Congress relative to the passage of Federal fair employment legislation."

—Letter of Transmittal and Resignation, Committee on Fair Employment Practice, June 28, 1946.

THE TASK of measuring the precise extent of employment discrimination is admittedly difficult. Government agencies do not inquire into the religious background of job applicants nor do trade unions record the religious affiliation of their members. The United States Employment Service, which, during the war, constituted the chief source of information about non-white workers, ceased gathering such data after V-J Day. Equality of opportunity is so firmly embedded in the American creed that even extreme violators almost never admit their discriminatory practices. Resistance and guilt thus combine to make the fact-finding task even more difficult.

Discrimination Against Jewish Workers

Although these factors make an overall statistical analysis impossible, surveys and reports from cities throughout the country afford ample evidence of an alarming rise in discriminatory employment practices. During the past year, the National Community Relations Advisory Council conducted a survey of discriminatory employment practices against Jews in 15 cities, comprising approximately 80% of the Jewish population of the United States. A study of help-wanted advertisements in eight cities during corresponding periods in 1946 and 1945 revealed an *increase of 195% in discriminatory ads* for 1946 over 1945—despite a marked decline in the total volume of help-wanted advertising. An analysis of the complaints of employment discrimination filed with Jewish agencies in six cities during corresponding periods in 1945 and 1946 showed an *increase in complaints of 93%* for the latter period. Visits to 134 employment agencies in 10 cities indicated that *89% of the agencies included questions about religion* on their registration forms, and two-thirds of the same agencies reported greater difficulty in placing Jewish

workers. In Chicago, an actual statistical count of discriminatory job orders by one of the largest commercial agencies in the city showed that 60% of the executive jobs, 50% of the sales executive jobs, 41% of the male clerical openings and 24% of the female clerical openings were closed to Jews, and fully 83% of all orders placed with the agency carried discriminatory specifications.

Discrimination Against Negroes

The increase in discriminatory practices against non-white workers is even more startling.

United States Census Bureau surveys reveal that whereas in July, 1945, 1.7% of white workers were unemployed as compared with 2% of non-white workers, by April, 1947, the proportion of unemployed had risen to 3.8% among white workers and to 6.7% among non-whites. In other words, unemployment increased by about 1½ times among white workers while it more than tripled among non-whites. Reports from a few cities suffice to indicate that the problem is not confined to any one section of the country. In the Pacific Coast states:

> "The net result of the war and post-war adjustments has been to bring Negro unemployment back to a close resemblance, statistically, to the prewar pattern. The current unemployment of 30% of the Negro workers contrasts very unfavorably with the unemployment ratios of only around 10% for other workers. This means, when measured against the Negro population increase, that the actual number of Negro unemployed has almost tripled since 1940, while "white" unemployment remains below the prewar totals. That comparison is the best single statistical measure of the extent of employment discrimination against the Negroes."[1]

In Seattle, Negro employment in January, 1945 represented 5.2% of the total employment. This figure dropped to 3.6% in January, 1946, and to 2.1% in January, 1947. During this same period, the percentage of non-white placements by the King County Employment Office dropped from 7.6% in January, 1945, to 4.4% in 1946 and to 3.0% in January, 1947.

In Detroit, discriminatory job orders listed with the USES during 1946 averaged about 22% of the total openings. By January, 1947 they had risen to 40.7%, dropped to 28.9% in February, climbed to

1. Mr. Fay Hunter, Regional Director, United States Employment Service.

42.9% in March, and continued upward to 44.4% in April. At the end of April 70% of the available semi-skilled and unskilled openings carried discriminatory specifications.[2]

"Statistics are also available from the Ohio State Employment Service which indicate the practice of many employers of refusing to consider the qualifications of a Negro worker. From February 1, 1946 through October 30, 1946 a record was kept of all requests for workers received with the following results:

Total requests for new workers	61,110
No. of requests specifying "white only"	14,488
Discriminatory relaxations secured	219
Percentage of "white only" jobs	23.7

"In other words, for every four job openings which became available during the nine months on record one job opening was closed to colored workers. The significance of this fact is important because it means that persons seeking work were denied an opportunity to discuss with a prospective employer their training, experience, and other qualifications for performing the work which he needed done. *The ineffectiveness of voluntary and "educational" efforts to secure the elimination of job discrimination is indicated by the fact that only 219 openings were obtained for Negro workers which were previously closed to them.* A special department of the Ohio State Employment Service devotes time to eliminating job discrimination and the above results were obtained *from nine months of effort.*

"Furthermore, employment service officials stated that the 23.7% figure must be considered a *minimum* since an undetermined number of job openings were discriminatory although not specified as such in their requests for new workers."[3]

Coincident with increased discrimination at the hiring gate has been a forced retreat from skilled and semi-skilled jobs into the unskilled classifications and from production to service jobs. Less than ¼ of the wartime placements of non-white workers were in service occupations as compared with more than half in 1947. A series of

---

2. Cited in testimony of Walter P. Reuther, President, United Automobile Workers of America, CIO.

NOTE: Except as otherwise indicated, all references to statements and testimony are to hearings before a Subcommittee of the Committee on Labor and Public Welfare of the U.S. Senate on S. 984, June-July, 1947.

3. Report of Community Relations Board of Cleveland, October, 1947.

Labor Market Reports[4] issued by the United States Department of Labor vividly illustrates this point.

From the report for April, 1947 on "Agricultural Machinery and Tractors," page 22:

> The industry offers few job opportunities to non-whites. They are employed chiefly in unskilled jobs.

The September, 1946 report on "The Hosiery Industry," page 14:

> Few opportunities exist for non-whites who constituted only 2 per cent of employment. Except for a very few establishments in Tennessee which reported non-whites in production jobs, *the vast majority of non-whites were used as maintenance workers.*

In the same report on "Banking and Trust Companies," page 36:

> The proportion of non-whites probably will not rise above 2 per cent. Restrictions against the employment of non-whites are frequent in the banking industry, and there is no indication of any change in policy. With the exception of banks serving predominantly non-white communities, *the use of non-whites is limited to custodial and other service occupations.*

The October, 1946 report, Series 15-2, on "Prefabricated Housing," page 2, includes the following statement:

> So far as can be determined, non-whites are hired almost exclusively for unskilled and maintenance jobs.

The same report on the "Telephone Communications Industry," page 25, says:

> The number of non-whites employed in the industry is insignificant, and they are almost always assigned to work as janitors, porters, and food handlers.

The November, 1946 report on "Bakery Products," page 11, says:

> Employment of non-whites remained stable between August and October. *They are usually employed, however, only as porters, janitors, dishwashers, and pan greasers.*

Discrimination Against Other Americans

Although these data refer primarily to discrimination against Jews and Negroes, it is only because statistics are more readily available with respect to those groups. Similar experiences, however, often in even more aggravated form, are being shared by countless other Americans whose mode of worship, national origin, or skin color serve to disqualify them for securing employment commen-

4. Cited in testimony of Julius A. Thomas, Director, Industrial Relations, National Urban League.

surate with their ability. Witnesses before the President's Committee on Civil Rights testified as follows:

The Japanese Americans: "We know, too, what discrimination in employment is. We know what it means to be unacceptable to union membership; what it means to be the last hired and first fired; what it means to have to work harder and longer for less wages. We know these things because we have been forced to experience them."

The Mexican Americans: "We opened an employment bureau (to help Mexican Americans) in our office last year for San Antonio. We would call certain firms and say we heard they had an opening for a person in a stock room or some other type of work; or I would go myself. But thinking I was the same in prejudice as they, they would say, 'You know we never hire Mexicans'."

The American Indians: "As with the Negroes, Indians are employed when there is a shortage of labor and they can't get anyone else When times get better, they are the first to be released."[5]

It should be remembered that these reports of discriminatory practices relate to a period when employment is at the highest peacetime level in our nation's history. Discrimination is always intensified by downward shifts in the economic cycle. Current practices must therefore be regarded as but the precursors of even more widespread discrimination should jobs grow scarcer and no effective legislative remedies be made available to prohibit discriminatory employment practices. It is to be hoped that "Members of both the Senate and House of Representatives will pay no heed to the voices crying: 'Do nothing about this situation.' In every great struggle for progress and justice in the whole history of civilization there are always such voices, always the advocates of a do-nothing policy.

"Rather (it is hoped they) will recall the words of George Washington that this Government will 'give to bigotry no sanction.' For today under economic conditions which could not have been foreseen in his time, the mere absence from the fabric of our law of any expression condemning unfair or discriminatory employment practices might be construed as giving them unwritten sanction."[6]

---

5. *To Secure These Rights*, Report of the President's Committee on Civil Rights, p. 55, U.S. Government Printing Office, Washington, 1947.

6. Testimony of Frank Goldman, President, B'nai B'rith.

Discrimination is Immoral and Unjust

"1. The organization of a just peace depends upon practical recognition of the fact that not only individuals but nations, states and international society are subject to the sovereignty of God and to the moral law which comes from God.

"2. The dignity of the human person as the image of God must be set forth in all its essential implications in an international declaration of rights and be vindicated by the positive action of national governments and international organization. States as well as individuals must repudiate racial, religious or other discrimination in violation of those rights.

"3. National governments and international organization must respect and guarantee the rights of ethnic, religious and cultural minorities to economic livelihood, to equal opportunity for educational and cultural development, and to political equality.

—Declaration on World Peace released October 7, 1943, by the Federal Council of the Churches of Christ in America; the Social Action Department of the National Catholic Welfare Conference; and the Synagogue Council of America.

THE FATHERHOOD OF GOD, the Brotherhood of Man, and the innate dignity and worth of the human person—these are the central doctrines of Judaeo-Christian teachings.

Recognizing that discrimination in employment because of race, religion, color, national origin, or ancestry violates these fundamental principles, religious bodies of all faiths have characterized the effort to eliminate such discrimination as "one of the great moral issues before our nation today" and have united in calling for the enactment of federal fair employment practices legislation.

Spokesmen for the Federal Council of the Churches of Christ in America have emphasized that "the economic front cannot be divorced from the moral and spiritual principles which underlie human relationships." The "right to work," they declared, "is a

divine right . . . so just and so in harmony with Christian ethics that all Christians and Church agencies have a deep responsibility to stand for that clear Christian and democratic principle. We believe that government should take such necessary legislative and administrative action as will protect the right to work from any such discrimination."[1]

The Synagogue Council of America, comprising the Orthodox, Reform, and Conservative branches of Judaism, similarly has denounced discrimination as "immoral and against all religious principle" and has urged passage of S. 984 declaring that "the aims of the bill are not merely legislative but really spiritual in language and character."[2]

The National Catholic Welfare Conference, the official body of the Roman Catholic Church appointed by the Bishops of the United States, has not only endorsed fair employment practices legislation but has proclaimed it to be the duty of employers to assist in securing such legislation. A statement issued by the National Catholic Welfare Conference in July, 1946 reads:

> Christian moral teaching requires every employer to maintain and enforce non-discriminatory policies in hiring, upgrading and discharge. In addition, it requires each employer not only to cease opposition to the enactment of Federal and state FEPC laws, but to use his influence in his association and with his fellow employers to secure the passage and assist in the enforcement of such statutes.

"A fair employment practice law," declared Bishop Bernard J. Sheil, of Chicago, Auxiliary Bishop of the largest Roman Catholic Archdiocese in the world, "would give legal recognition to that God-given dignity which every human being possesses. If we are truly Christian, we cannot preach one thing and practice another. . . . Economic discrimination is immoral; it is clearly sinful. How long are we expected to sit by while children of God find their paths blocked at every point by the forces of bigotry and discrimination?"[3]

---

1. Testimony of Dr. Beverly M. Boyd, Secretary, Department of Christian Social Relations and Dr. J. Oscar Lee, Executive Secretary, Department of Race Relations, Federal Council of the Churches of Christ in America.

2. Testimony of Rabbi William F. Rosenblum, President, Synagogue Council of America.

3. Testimony of Bishop Bernard J. Sheil.

Discrimination is Un-American and Undemocratic

"To the American Government and citizens it (democracy) has a basic meaning. We believe that human beings have certain inalienable rights—that is, rights which may not be given or taken away. . . . To us a society is not free if law-abiding citizens live in fear of being denied *the right to work* or deprived of life, liberty and the pursuit of happiness."

—From statement of Secretary of State George C. Marshall to Council of Foreign Ministers, Moscow, March 14, 1947.

"THE CENTRAL theme in our American heritage is the importance of the individual person. From the earliest moment of our history we have believed that every human being has an essential dignity and integrity which must be respected and safeguarded. Moreover, we believe that the welfare of the individual is the final goal of group life. Our American heritage further teaches that to be secure in the rights he wishes for himself, each man must be willing to respect the rights of other men. This is the conscious recognition of a basic moral principle: all men are created equal as well as free. Stemming from this principle is the obligation to build social institutions that will guarantee equality of opportunity to all men. Without this equality freedom becomes an illusion. Thus the only aristocracy that is consistent with the free way of life is an aristocracy of talent and achievement. The grounds on which our society accords respect, influence or reward to each of its citizens must be limited to the quality of his personal character and of his social contribution. . . . Thus, the aspirations and achievements of each member of our society are to be limited only by the skills and energies he brings to the opportunities equally offered to all Americans. We can tolerate no restrictions upon the individual which depend upon irrelevant factors such as his race, his color, his religion or the social position to which he is born."[1]

Fair employment practice legislation is based on the premise that

---

1. *To Secure These Rights,* Report of the President's Committee on Civil Rights, p. 4, U.S. Government Printing Office, Washington, 1947.

the right to earn a livelihood is a civil right. Section 2b of the Ives-Chavez bill (S. 984) provides:

> The right to employment without discrimination because of race, religion, color, national origin, or ancestry is hereby recognized as and declared to be a civil right of all the people of the United States.

This declaration is not the creation of a *new* civil right. It is merely the recognition of a natural and inalienable right which the courts have always recognized as inherent in the Constitution and public policy of the United States. The right to life, the most primary of all civil rights, can have no fulfillment without the right to work.

U.S. Supreme Court Ruling

Some years ago, Mr. Justice Hughes delivered a majority opinion for the United States Supreme Court, Mr. Justice McReynolds being the sole dissenter, in which the Court said, "It requires no argument to show that the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the (Fourteenth) Amendment to secure."[2]

"Denial or curtailment of the right to work by reason of race, religion, color or national origin, deprives minorities 'of their constitutional right to earn a livelihood' (Carroll v. Local 269, 133 N.J.Eq.144, 147); 'menaces the institutions and foundation of a free and democratic state' (New York L.1944, ch. 692, s.1); and draws the nation toward the shattering abyss of racism and intolerance."[3]

Too many Americans give lip service to democracy, forgetting that democracy is peculiarly a product of action, that it has never been talked into being or rescued by words, that America from its earliest colonial days has been a battlefield in the struggle between bigotry and intolerance. If we do not believe in freedom, tolerance and the rights of minorities, we shall of course lose them. If we do believe in them, we must increase our practice of them.

"The denial of employment opportunities to our citizens because of their race, religion, or national origin is a flagrant violation of our democratic principles and of our traditional statements of public

2. Truax v. Raich 239 U.S.33, p. 41; 1915.

3. Testimony of Charles H. Tuttle.

policy. We cannot hold up our heads as self-respecting American citizens, and we certainly cannot successfully aspire to leadership in world affairs, so long as we make mockery of our high-sounding talk about justice and democracy by practices of discrimination which destroy the dignity and deny the rights of millions of our fellow citizens. It is high time that we correct this weakness in our public character by taking such forthright action against it that there can be no question of our sincerity and good faith. The enactment of Federal fair employment practice legislation with provisions for vigorous enforcement power and with a sufficient appropriation of funds to assure effective national administration would go a long way toward lifting this burden from our national conscience."[4]

"The future of our nation rests upon the character, the vision, the high principle of our people. Democracy, brotherhood, human rights —these are practical expressions of the eternal worth of every child of God. With His guidance and help we can move forward toward a nobler social order in which there will be *equal opportunity for all.*"[5]

4. Testimony of Hubert H. Humphrey, Mayor of Minneapolis.

5. Report of President's Committee on Civil Rights, p. 175.

Discrimination is a Handicap in our Foreign Relations

> **"The equitable treatment of racial minorities in America is basic to our chance for a just and lasting peace. . . . We, as Americans, cannot be on one side abroad and the other at home. We cannot expect small nations and men of other races and colors to credit the good faith of our professed purposes and to join us in international collaboration for future peace if we continue to practice an ugly discrimination at home against our own minorities."**
>
> **—Wendell L. Willkie—from an article published in *Colliers*, October 7, 1944.**

THE EXTENT to which our enemies exploited racial incidents in the United States during the war to promote anti-American propaganda among the colored peoples of Europe and Asia is well known. Less well known, but perhaps even more significant, were the protests of our friends. For example, the Mexican Chamber of Deputies established a special committee "for the purpose of keeping the attention of the Mexican Congress focussed on discrimination against Mexicans in the United States." In fact, Mexico placed restrictions against our importation of badly needed Mexican labor because of American discriminatory practices. And at the first London meeting of the United Nations, the United States was charged with discrimination against South American nationals.

The fact that foes and friends alike have used our discriminatory practices against us suggests the importance of our coming with clean hands into the council of a world composed two-thirds of colored people.

In a letter to the Fair Employment Practice Committee dated May 8, 1946, Acting Secretary of State Dean Acheson stated:

> the existence of discrimination against minority groups in this country has an adverse effect upon our relations with countries. An atmosphere of suspicion and resentment in a country over the way a minority is being treated in the United States is a formidable obstacle to the development of mutual understanding and trust be-

tween the two countries. We will have better international relations when these reasons for suspicion and resentment have been removed. The Department of State, therefore, has good reason to hope for the continued and increased effectiveness of public and private efforts to do away with these discriminations.

Nelson A. Rockefeller, former Coordinator of Inter-American Affairs, emphasized this same point in his recent testimony on behalf of S. 984 (June 13, 1947). Said he:

> It is my belief that this bill will have a very significant effect upon our relations with the other American republics. Citizens of many of the nations of the western hemisphere have been disturbed as they have encountered concrete evidences of discrimination in this country. Passage of this bill would serve the very real purpose of reaffirming their faith in us and prove to them that our democracy is a real and vital way of life.

What Mr. Rockefeller said of the western hemisphere was applied with equal force to the peoples of the Middle and Far East by Paul V. McNutt, our first Ambassador to the Philippine Republic. Describing racial prejudice and discrimination as "the worm in the shining apple of our international prestige" at which "even the friendliest foreign governments look askance," Mr. McNutt declared, "The hundreds of millions of non-Caucausian peoples who inhabit the Orient . . . cannot be fully convinced that we are thorough-going apostles of the four freedoms until we show that we mean the four freedoms to be for everybody." (From an address at Lowell, Mass., June 26, 1947)

The Foreign Policy of the U.S.

In our foreign policy the United States stands committed to a policy of non-discrimination. As a participant in the Inter-American Conference in Mexico City on March 6, 1945, we joined with other nations in a resolution recommending that the participating governments "make every effort to prevent in their respective countries all acts which may provoke discrimination among individuals because of race or religion." In signing the Charter of the United Nations at San Francisco, and in the subsequent ratification of that Charter by the United States Senate, we undertook to promote "universal respect for and observance of human rights and freedoms for all without distinction as to race, sex, language, or reli-

gion" (Article 1, Paragraph 3). And in November, 1946, the General Assembly of the United Nations declared it to be in the higher interest of humanity to put an immediate end to religious and racial discrimination and called upon the member nations to conform both "to the letter and the spirit" of the Charter.

The preamble to the Constitution of UNESCO recognized that "the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races."

Today we are engaged in another global conflict—a conflict not of planes, guns, ships and tanks, but a conflict of ideas and moral values—in which the tenets of our democratic civilization are opposed to the philosophy of totalitarianism. In that conflict, discrimination may well turn out to be our "Achilles heel." For "to the extent that we permit men to be denied the right to work solely because of their race, religion, color, national origin, or ancestry, to that extent our position as the exemplar of democracy is rendered suspect. Thus, the problem of discrimination has, so to speak, moved around from a backyard domestic issue to a front-porch exposure for all the world to see. We can no longer isolate ourselves from our own moral ideas. We can no longer appease and tolerate amongst ourselves the selfsame practices we denounce so strongly in others."[1]

Discrimination Feeds Anti-U.S. Propaganda

"Throughout Central and South America, in India, Japan, and other Asiatic countries, in Africa, in Italy, in France, totalitarian expansion and the struggle against democratic forces is closely allied with anti-American propaganda. Every item of discrimination which can be shown to exist in the United States serves as fuel for the totalitarian propaganda machine. This propaganda machine, the most powerful in the world, rejoices at every discriminatory practice, at every racist influence which they can truthfully describe

1. Testimony of Henry Epstein, Chairman, National Community Relations Advisory Council.

as present in the United States. We cannot fight propaganda with arms. We must fight it with truth."[2]

In the words of Ralph Waldo Emerson, "the peoples of the world cannot hear what we say because what we do keeps dinning in their ears." "The United States is not so strong, the final triumph of the democratic ideal is not so inevitable that we can ignore what the world thinks of us or our record."[3] "If we are going to export democracy, we better get tooled up for mass production of it here at home."[4]

2. Testimony of Irving Salert, Field Director, Jewish Labor Committee.
3. Report of President's Committee on Civil Rights, p. 148.
4. Testimony of Hubert H. Humphrey, Mayor of Minneapolis.

Discrimination is Bad for Business

"The withholding of jobs and business opportunities from some people does not make more jobs and business opportunities for others. Such a policy merely tends to drag down the whole economic level. Perpetuating poverty for some merely guarantees stagnation for all. True economic progress demands that the whole nation move forward at the same time. It demands that all artificial barriers erected by ignorance and intolerance be removed. To put it in the simplest terms, we are all in business together. Intolerance is a species of boycott and any business or job boycott is a cancer in the economic body of the nation. I repeat, intolerance is destructive; prejudice produces no wealth; discrimination is a fool's economy."

—Eric Johnston, former Chairman of the U.S. Chamber of Commerce.

WHOLLY APART from moral and human considerations, but from a purely dollar and cents standpoint, it is becoming increasingly evident that employment discrimination represents a threat to the economic welfare of our nation.

In passing the Employment Act of 1946, Congress gave recognition to the fact that higher levels of employment and wages mean greater purchasing power, greater demand for the products of our factories and farms, a greater chance to help America at work and at peace. "If full employment is to be meaningful, it must provide not only that all workers shall be employed at some job, but that they shall be placed in the job in which they can produce most effectively the goods and services that meet the nation's needs. This cannot be accomplished if artificial barriers are raised to prevent workers from filling the jobs for which they are best qualified. Therefore, if the Federal government is to achieve the objective of continued full employment, it must act on its responsibility to prevent discrimination on the basis of race, religion, national origin, or ancestry."[1]

---

1. Testimony of Hubert H. Humphrey, Mayor of Minneapolis.

"Any community of workers that is discriminated against in employment is also a community of consumers that discriminates against the purchase of American-made goods. Any man who can't earn can't buy. The bare subsistence group in the American community is not on the market for radios, automobiles, washing machines, nor even bathtubs.

"Furthermore, the costs of discrimination in terms of productivity, although difficult to measure, are substantial. When an employer is limited in his choice of qualified employees to certain racial or religious groups, he cannot always choose the most skilled men for the job. Every time he must hire the poorer man, productivity suffers and costs of production are increased. Likewise, when a skilled mechanic must take a job as a servant, the community suffers a double loss. Not only is his productive capacity unutilized, but our investment in his education is wasted.

"There are valid economic reasons for the United States seeking and enjoying markets in other countries. There are few people who question that any increase in the living standard of the Chinese or the English or those in Greece and Italy will enlarge the demand for American goods and services. There can obviously, therefore, be no valid arguments against the removal of those arbitrary barriers to the expansion of economic opportunity for any groups in our own country now suffering discrimination. The bill to establish a National Commission Against Discrimination in Employment would make a real contribution in this direction with the minimum of confusion, irritation and readjustment."[2]

Discrimination Breeds Economic and Social Ills

"When discrimination exists and jobs are denied because of race, color, or religion, the minority group affected is forced to a relatively lower economic level. We all know the high cost of city slums, in child mortality, in disease and crime and in delinquent taxes. But studies of recent years have proved beyond a shadow of a doubt that mortality, disease and crime are no higher among Negro slum dwellers than among white slum dwellers. It is the economic degradation, forcing these men, women and children into the slums, that breeds these infectious, festering sore spots upon com-

2. Statement of Leo Cherne, Executive Secretary, Research Institute of America.

munity life. It would be futile to clear slums, if by permitting and abetting discrimination in employment, we doom untold thousands to joblessness and privation which make it impossible for them to buy enough food or to afford a decent home; which leaves them no choice, but to become underprivileged slum dwellers."[3]

"In the South, many intelligent citizens are coming to the conclusion that prejudice is the greatest burden of the Southern businessman, cutting down not only the size of his markets but the efficiency of his production as well. Every Southern employer carries on his neck an 'old man of the sea' who tells him, when he wants to take on an employee or shift a man from one job to another: 'You may not pick the man who is best qualified for a particular job if his skin is of the wrong color. You may not put a good white man in this job if the job is traditionally a colored man's job, and, at the same time, you cannot put a colored man in a white man's job even if he is twice as efficient and three times as productive as his white competitor for the position.'

"Every Southerner whose eyes are not fastened on the past knows that a new South is arising today, a South of industry and commerce, a South that will once again be a dominant factor in the prosperity of the country and the trade of the world. This new South is throwing off its shackles. It will not accept discriminatory freight rates or any other type of economic discrimination and it cannot allow prejudice or discrimination to stand between its machines, its docks, its ships, its water power, mineral and forest resources, and the men and women who have the capacity to produce goods and services that the nation needs."[4]

"The Race Problem" is an Economic Problem

"The South has suffered with inferiority. She has been humbly grateful for the crumbs from the North's table. The average American annual income at the time of Pearl Harbor was $604. In the South it was $314. The average Negro income was considerably lower. No plan to cure the South of its ills will succeed which does not make that differential its first order of business. As long as a

3. Testimony of William Green, President, American Federation of Labor.

4. Felix S. Cohen, *Commentary*, March, 1946.

large segment of our population is so far down the economic scale, the South will not thrive.

"The so-called race question is an economic one, not social. Pay the Negro good wages for his work, give him the opportunity to demonstrate his own capacity to learn, work and earn, give him his Constitutional rights and you have solved this distorted so-called race problem."[5]

"Discrimination in employment keeps in motion a vicious circle in our economy. Such discrimination depresses wages for minority groups and, because of desperate competition for jobs by members of these minority groups, discrimination in employment exerts a downward drag on all wages. This, in turn, cuts mass purchasing power, and thereby constricts the market for all goods and services. The circle then begins another round as reduced markets cut production; reduced production cuts employment; reduced employment cuts wages, and, in the absence of effective standards of fair employment, tends to increase and aggravate the very discrimination in employment which set the vicious circle in motion. This is the road of depression, division and disaster."[6]

"Our country must find a way of utilizing its great productivity in peacetime to make a more abundant life for all of us. We have passed into an era where we are more dependent on each other than ever before—an era in which none of us can live comfortably or securely unless all do so—an era in which, therefore, there is no essential conflict between selfishness and altruism. We are beginning to realize that from a most practical point of view we are our brother's keeper."[7]

---

5. Governor Ellis Arnall, *Colliers*, July 28, 1945.
6. Testimony of A. Philip Randolph, co-Chairman, National Council for a Permanent FEPC.
7. R. E. Gilmor, President, Sperry Gyroscope Company, Inc.

Discrimination Violates our Pledges to American Veterans

Here lie officers and men, Negroes and whites, rich men and poor—together. Here are Protestants, Catholics and Jews—together. Here no man prefers another because of his faith or despises him because of his color. Here there are no quotas of how many from each group are admitted or allowed. Among these men there is no discrimination. No prejudices. No hatred. Theirs is the highest and purest democracy. . . .

To this, then, as our solemn, sacred duty, do we the living now dedicate ourselves: to the right of Protestants, Catholics and Jews, of white men and Negroes alike, to enjoy the democracy for which all of them have here paid the price.

—From burial service at Iwo Jima—Chaplain Roland B. Gittelsohn.

To MANY a returning minority group veteran, civilian life presents a dismal picture. The things he looked forward to most—a job and a decent place in which to live—are hardest to find. Wartime restrictions against discrimination in training and employment have been removed. Housing—old or new—is almost completely unobtainable.

A survey made by the Army Service Forces, *Postwar Plans of the Soldier,* reveals that most members of the armed forces gave a great deal of thought to their postwar prospects, and many had definite plans for careers after discharge. Japanese-Americans, Mexican Americans, Jewish and Negro GI's looked forward to a future in which it would not be as difficult as before to get an education, find a job, or go into business. They did not expect this to come easily, but they had faith and the hope that America would live up to its promises of equal opportunity for all.

America has made certain guarantees to all veterans alike, regardless of race, religion, color or national origin. Each veteran is advised of these rights as he goes through the separation center. But in his practical ability to take advantage of these guarantees, there is

great inequality. Listen to the testimony of a Southern veteran:

> During my six years in the Marines, both in the Caribbean and the Pacific, I saw Negro, Jewish, and foreign-born Americans working side by side with other Marines to preserve a democracy which promises them an equal right with every other American to make a living. But they are now finding that they were fighting for a theory, and that in practice they are facing the same old barriers. For the first time in the history of any country, the youth of all minority groups are being given the opportunity, through the GI Bill of Rights, to develop their capacities and skills by education and on-the-job training. But what a mockery it is to turn educated and skilled young men and women out into a society which will allow them to work only as ditch-diggers, domestic servants, and unskilled laborers of other kinds. On my own campus there are a number of Negro college graduates working as maintenance labor, maids, and waiters.[1]

Free Education—for the Accepted

A year's free education for every honorably discharged veteran who served 90 days or more is a basic provision of the GI Bill of Rights. He can, theoretically, choose any approved school and select any course he would like to take, with practically all expenses paid. If he prefers on-the-job training, he can take it and receive the same allowances for tuition and living expenses.

The minority veteran soon discovers that even these advantages do not assure him training. First, he must be acceptable to the school. This requirement alone bars all but a small quota of Jewish, Nisei, and Mexican-American veterans from major institutions, and relegates colored veteran-students to already overcrowded Negro colleges.

Many veterans, unable to wait until the limited quotas set by discriminatory educational institutions can absorb them, or—in the case of Negro veterans—until the limited facilities of the Negro colleges can find room for them, have chosen to pursue on-the-job training instead of formal classroom studies. But here again opportunities are limited for the minority veterans. One of every three veterans

---

1. Testimony of Clarence Barbour, representing Students for Democratic Action, University of North Carolina.

in the South is a Negro. Yet only one of twelve veterans in the area receiving on-the-job training is colored. Major industries and their affiliated unions jointly sponsor apprenticeships in a variety of crafts. Once again, however, discrimination—whether by the union or the industry—has militated to deny the minority veteran equal access to such training. No Negro veterans are receiving apprentice training as sheetmetal workers, plumbers, electricians or machinists, and the thousands of Negroes who developed skills in these very crafts in the Army and Navy now find themselves virtually barred from the construction industry or relegated to jobs as common laborers or hod carriers.

> Many qualified Negro veterans, as well as veterans of Mexican, Filipino, or Japanese-Americans, today face the discouraging truth that their training cannot be profitably utilized because of discriminatory employment practices. These veterans may be skilled workers, doctors, lawyers, or teachers; they may live in communities which have great need of their talents, but their contributions to the community are restricted by the scarcity of employers willing to use their services. There is not much inducement for higher education if members of minority races anxious for education are denied the opportunity to put their knowledge into practice when their schooling has ended.[2]

Lower Earnings of Minority Veterans

An analysis made by the American Federation of Labor research staff of the official surveys recently conducted by the U.S. Bureau of the Census and the Bureau of Labor Statistics, of the average weekly incomes of Negro and white veterans, shows dramatically the disparity in incomes on the basis of color. In Washington, for instance, there are 84,000 white veterans and 36,000 Negro veterans. The average income of white veterans is 65 per cent above that of the Negro veterans.

This disparity, says the survey, is due to three causes: "(1) many Negroes have been denied employment opportunities in higher grade jobs they are qualified to perform; (2) many Negroes have been barred from both training and job opportunities where they

---

2. Testimony of Gilbert Harrison, National Vice-Chairman, American Veterans Committee.

could acquire the skill and experience necessary to qualify them for better paid work; and (3) the rates of pay of Negroes doing the same work have often been substantially lower than that of the white workers."

A study by the National Community Relations Advisory Council of the job-seeking experiences of Jewish war veterans in ten cities revealed that 65% of the employment agencies with which they registered required religious indentification. Almost half of these veterans were questioned about their religion by the firms to which they applied and an additional 13% expressed the opinion that they were not given fair consideration for available jobs solely because of their religion. The following cases are typical.

A veteran with overseas service in the Pacific: "I put an ad in the paper looking for a position and I got a response. The party asked me whether I was a gentile and when I said 'no', the party hung up."

A New York veteran: "I was recommended for a job with the . . . Plumbing Co. by the Commander of the Amvets. I was told my qualifications were satisfactory but there was no opening. Later the Commander phoned the company and was told they couldn't use me because I was Jewish. All this took place on Brotherhood Week."

It is because of such cases that the American Veterans Committee, the Catholic War Veterans, the Jewish War Veterans, together with various state conventions of the American Legion, have called for the enactment of S. 984. They regard this legislation "as worthy and legitimate payment of a promissory note to millions of our own veterans who took up arms in a conviction that the terrible equality of war would one day be matched by equal opportunities in peace."[3]

3. Testimony of Colonel Charles Schottland, Executive Director, Jewish War Veterans of the United States.

Discrimination Promotes Industrial Strife

Discrimination in the matter of employment against properly qualified persons because of their race, creed, or color is not only un-American in nature but will lead eventually to industrial strife and unrest. The principle and policy of fair employment practice should be established permanently as a part of our national law.

—President Harry S. Truman—from a letter to Congressman Sabath, June 19, 1945.

"THE INSTINCT to live in human beings, regardless of race or color, religion or national origin, is so strong that they fight for the right to work in order to live."[1]

It is in recognition of this fundamental truth that organized labor has rallied so strongly in support of S. 984 "The existence of depressed wage standards based on race are a threat to the wage standards of all workers. Moreover, because the minority workers are forced to accept a lower pay standard for the same work in order to sustain their livelihood, friction and resentment are bred on the part of workers whose rates of compensation are thereby put in jeopardy. That is the economic source of racial tension which constantly threatens communities in which discrimination in employment prevails. Whenever unemployment begins to increase such tension is bound to become highly explosive, leading to unrest and even rioting. These are the inevitable consequences of discrimination."[2]

"Fundamentally, black and white workers do not fight each other because they hate each other, but they hate each other because they fight each other."[3]

Pit race against race, religion against religion, native born against foreign born—that is the formula that led to international war. It is a formula that breeds industrial anarchy. "It is well known that racial and religious frictions have an adverse effect upon industry.

---

1. Testimony of A. Philip Randolph, co-Chairman, National Council for a Permanent FEPC.
2. Testimony of William Green, President, American Federation of Labor.
3. Testimony of A. Philip Randolph.

The practice of discrimination in employment, aimed at by the act, has a strong tendency to keep alive antagonisms that would be ameliorated if the restrictive practice disappeared."[4] By outlawing job qualifications and wage differentials based on creed or color, FEPC would minimize racial economic competition and the fear and hatred which it engenders.

"Prejudice is Born of Ignorance"

"Unless the beneficent law of cooperation is an illusion, unless the teachings of religion are false, and unless the principles of democracy are a rhetorical hoax, prejudice is born of ignorance and lives only by isolation. Working with each other is a quicker antitoxin for the poison of prejudice than preaching at each other."[5]

Day to day contacts between members of different racial, religious, and nationality groups in employment is the best possible device for building mutual understanding, respect and goodwill. This was forcibly demonstrated during the tragic Detroit race riot in 1943. In his report to the President on that shameful incident, Attorney General Francis Biddle declared, "It is extremely interesting that there was no disorder within plants, where colored and white men worked side by side."

"The UAW-CIO through the practice of democracy in the shop and in the union halls, had created an oasis of sanity in a city gone mad with frustration, bitterness, bigotry and brutality. That the oasis was so pitifully small was proof only that the most determined action of the union to eliminate discrimination and to achieve fair practices was bound to fall short of unqualified success for the simple reason that one institution was contending with the manifold aspects of a problem too great to be solved by anything less than vigorous community action, both educational and legislative."[6]

Few industries have enjoyed such stable industrial relations as has the garment industry. The membership of the union, "scattered through some 34 States, is made up of a cross section of almost every national, racial, and religious group in the United States. Workers

---

4. Testimony of Ben Herzberg, Chairman, Legal Committee, American Jewish Committee.

5. Testimony of Hon. Charles H. Tuttle in support of Ives-Quinn Bill, Albany, N. Y., February 20, 1945.

6. Testimony of Walter P. Reuther, President, United Automobile Workers, CIO.

and employers of different color, different creed, different national ancestry have worked together side by side in harmony. Within our union and industry we do not and never have practiced any kind of discrimination either with regard to membership in the union or employment in shops under agreement with our union. This policy is to a considerable extent responsible for the proud record of industrial peace which we have achieved in our industry."[7]

Discrimination Creates Resentments

"To deny to any group of citizens the opportunity to employ to the full their productive skills and thus to confine them in an economic ghetto must of necessity create resentments which provide a fruitful field, in which proponents of alien philosophies may work."[8]

"Where during the depression of the thirties many Negroes, in despair of their ever participating in the democracy they heard so much about but seldom experienced, listened with increasing interest to those who advocated a different form of government than ours, they lost interest in such doctrines when (as a result of the war-time FEPC) they found reason to believe that at last they would be permitted to share the fruits as well as the burdens of democracy. Failure of the Congress to enact legislation against employment discrimination will place directly upon the Congress responsibility for re-creation of such dangerous despair."[9]

"If this battle fails here, it cannot be undertaken elsewhere. The verdict will be that racial and religious discrimination is too thoroughly established in our economy to be outlawed. We will innoculate millions of our fellow-citizens with the disillusion, cynicism and hopelessness which are fertile fields for alien ideologies and false messiahs at home and abroad. We will find ourselves up against the impossible task of trying to balance the books of social injustice with other than red ink."[10]

---

7. Statement of Frederick F. Umhey, Executive Secretary, International Ladies' Garment Workers' Union.

8. Testimony of Henry C. Turner, former Chairman, New York State Commission Against Discrimination.

9. Testimony of Roy Wilkins, Assistant Executive Secretary, National Association for the Advancement of Colored People.

10. Charles H. Tuttle, *op. cit.*

From the Nation's Press

CHICAGO (Ill.) *Sun*—

"Racial discrimination. like social security, fair labor standards, and minimum wages, is a national problem. It must be dealt with nationally. Shall America confess that fair employment practices are possible only in time of labor scarcity? Shall we give up the ground so far gained when the war ends? Congress can answer 'No' by establishing the FEPC on a permanent basis."

DETROIT (Mich.) *Free Press*—

". . . The denial of economic equality to 13,000,000 American citizens because of their color violates every concept of justice.

"Congress should put FEPC on a permanent basis and give it enough money effectively to discharge its duties."

DURHAM (N. C.) *Carolina Times*—

. . . No man or groups of men fit to be in the Congress of the United States would oppose such a piece of legislation unless deep down in their hearts they wanted the right, under the protection of the law, to force economic bondage upon a particular minority of this country."

DES MOINES (Iowa) *Tribune*—

". . . The FEPC should be made permanent."

GREAT FALLS (Mont.) *Tribune*—

". . . to give fair play to minority groups only during a war would be a mean kind of exploitation. . . . Let's continue it after the war. It is one of the brightest stars in the banner of victory."

KANSAS CITY (Mo.) *Times*—

". . . it (FEPC) served a justified purpose in wartime and its work will be even more necessary in the postwar adjustment era."

MILWAUKEE (Wis.) *Journal*—

". . . . the Committee on Fair Employment Practices should be made permanent, as is proposed in Congress."

NEW YORK (N. Y.) *Herald Tribune*—

". . . FEPC should be legitimized and given permanent status by the Congress . . . the legislation is of too great importance just now, not only nationally but in its effect on world councils, to admit of politics or prejudices as usual."

PHILADELPHIA (Pa.) *Inquirer*—

"To deprive anyone of his livelihood or to bar him from job opportunities because of his race, his religious belief, his color, or his national origin is not only unfair, it is un-American."

PITTSBURGH (Pa.) *Post-Gazette*—

"Taking due note of the whole spirit of our democratic laws, it is hard to see how any Member of Congress can argue that fair employment practices are either unconstitutional or un-American. To say that our Government can draft Negroes to fight with white men for their common safety and security but cannot insist that Negroes as well as white men be used in maintaining maximum production on the home front is splitting hairs too thin for logic."

ST. PAUL (Minn.) *Dispatch*—

"Maintenance of fair practices in industrial employment ought to be one of those unarguable things, like goodness and love of family."

ST. LOUIS (Mo.) *Post-Dispatch*—

". . . The only political issue involved is whether a great democracy will blink at or try to stamp out discrimination, a crime for which we have indicted Nazi Germany."

SALISBURY (N. C.) *Post*—

". . . If opportunity can be denied to any group, for reasons of color, religion, or national origin, no minority group's rights are safe. The principle of equal opportunity is not divisible. It ceases to exist if all do not have it."

TERRE HAUTE (Ind.) *Star*—

"Either one is for democracy at any price, or one does not really believe in it at all. If one believes in it then one must fight for it. One way of fighting for it is to extend economic democracy. One way to extend economic democracy is to see that a permanent FEPC is set up without delay."

WASHINGTON (D.C.) *Post*—

". . . It is time for the Government of the United States to go unequivocally on record in support of the doctrine that all Americans have an equal right to jobs."

2

Origin, History and Effectiveness of FEPC

The President's Committee on Fair Employment Practice

Equality of job opportunity permits a man to make a place for himself according to his skill. America was reared on the supposition that no barriers to a livelihood exist except a man's own inability.

Prior to World War II this concept was never backed by law; in part because the majority of Americans never felt the need for protection of job opportunity, in part because of unchallenged habits of assigning low-paid, heavy work to such groups as Negroes and Mexican-Americans.

The first national step to make equal job opportunity a protected right was taken six months before Pearl Harbor. National self-preservation inspired it. The blitzkrieg had demonstrated the importance of mass production of war materials. Our period of national defense might at any moment change to a state of war. A Social Security Board survey of American manpower needs showed that discriminatory hiring habits squarely barred the entrance of millions of minority group Americans into the factories and shipyards where productive skills were about to begin their race against the destruction of American lives and property. As a result,

> Special letters and instructions were issued by various Government officials during the next six months. For example, in January, 1941, the Administrator of the Federal Works Agency established a regulation prohibiting discrimination in employment in the construction of defense housing projects. In a memorandum on June 12, 1941, to the OPM, President Roosevelt said, 'No nation combating the increasing threat of totalitarianism can afford arbitrarily to exclude huge segments of its population from its defense industries. *Even more important is it for us to strengthen our unity and morale by refuting at home the very theories which we are fighting abroad.*'
>
> On June 25, 1941, in response to growing protest that the steps taken had not proved adequate, the President issued Executive Order 8802 and appointed the Committee on Fair Employment Practice, to enforce it.[1]

Executive Order No. 8802
(In Part)

Whereas it is the policy of the United States to encourage full participation in the national defense program by all citizens of the United States, regardless of race, creed, color, or national origin, in the firm belief that *the democratic way of life within the Nation can be defended successfully only with the help and support of all groups within its borders;* and

Whereas there is evidence that available and needed workers have been barred from employment in industries engaged in defense production solely because of consideration of race, creed, color or national origin, to the detriment of workers' morale and of national unity;

Now, therefore, by virtue of the authority vested in me by the Constitution and the statutes, and as a prerequisite to the successful conduct of our national defense production effort, I do hereby reaffirm the policy of the United States that *there shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color or national origin,* and I do hereby declare that it is the duty of employers and of labor organizations, in furtherance of said policy and of this order, to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color or national origin.

According to Executive Order 8802, the Committee on Fair Employment Practice was to "receive and investigate complaints of discrimination in violation of the provisions of this order and . . . take appropriate steps to redress grievances which it finds to be valid."

From its very inception the Committee encountered obstacles beyond those attendant on any new agency. It soon became the target of powerful forces—forces which preferred to place our production

1. The Committee on Fair Employment Practice, *FEPC—How It Operates, 1939*, U.S. Government Printing Office, 1944.

program in jeopardy rather than abide by the provisions of the Executive Order.

With the twin handicaps of an infinitesimal budget and a staff which at the maximum consisted of but 13 professional workers, the Committee was confronted by one crisis after another. When the hearings which had been scheduled on discrimination in the railroad industry were suddenly postponed without explanation, it became apparent that a complete reorganization was necessary if the Committee was to carry out its mandate. As the result of pressure from liberal organizations throughout the country, Executive Order 9346 was issued on May 27, 1943, setting up the Committee as an independent agency in the Executive Office of the President, with a full-time salaried chairman and six other members serving without compensation.

Monsignor Francis J. Haas, formerly Dean of the School of Social Sciences at Catholic University, now Bishop of Grand Rapids, was appointed chairman and director. To serve with him as unpaid members of the body President Roosevelt appointed John Brophy (Director of Industrial Union Councils, CIO), Samuel Zemurray (President, American Fruit Company), P. B. Young (Publisher, *Norfolk Journal and Guide*), Sara E. Southall (International Harvester Corporation), Boris Shishkin (Economist, AFL), and Milton P. Webster (Vice President, Brotherhood of Sleeping Car Porters). Mr. Young was later succeeded by Attorney Charles H. Houston, Monsignor Haas by Malcolm Ross, and Mr. Zemurray by Charles H. Horn of Federal Cartridge Corporation.

The new Executive Order enlarged upon 8802 while repeating its basic principles.

The stated purposes of the order were "to promote the fullest utilization of all available manpower, and to eliminate discriminatory employment practices." The committee was ordered to formulate policies to achieve these purposes.

In addition, Executive Order 9346 expressly ordered:

(1) All contracting agencies of the Government to include in all contracts and in all subcontracts negotiated or renegotiated a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin (par. 1).

(2) All departments and agencies of the Government concerned

with vocational and training programs for war production to take all measures appropriate to assure that such programs are administered without discrimination because of race, creed, color or national origin (par. 2).

The National War Agencies Appropriations Act, 1946, approved by Congress on July 17, 1945, included a $250,000 appropriation for the Committee on Fair Employment Practice. The act provided that this sum be used "for completely terminating the functions and duties of the Committee . . ." and provided further, "That if and until the Committee . . . is continued by an Act of Congress the amount named . . . may be used for its continued operation until an additional appropriation shall have been provided."

The occurrence of V-J Day less than a month later, followed by the wholesale cancellation of war contracts, raised questions concerning the Committee's jurisdiction over private industry reconverting to peacetime production. The Committee immediately sought clarification of its responsibilities in industrial reconversion while holding that its authority to eliminate discrimination in government employment and in the performance of government contracts remained unimpaired.

On December 20, 1945, President Truman issued Executive Order 9664, continuing the Committee's work under "the duties and responsibilities" of the previous executive orders and "for the period and subject to the conditions" stated in its appropriation. In addition, the Committee was empowered to "investigate, make findings and recommendations, and report to the President with respect to discrimination in industries engaged in work contributing to the production of military supplies or to the effective transition to a peacetime economy."

The Committee's decreased appropriation necessitated two early cuts in staff, one in August and another in December, 1945. These two cuts reduced the total personnel to 31 out of a previous total of 128 persons. In addition, as of that date, all field offices except those in Detroit, Chicago, and St. Louis had been closed. Further cuts followed in March; and on May 3, it became necessary to put all employees on leave without pay status. Except for volunteer work, active operation ceased on that date. The Committee, however, remained in being through June 28. (Final Report, Fair Employment Practice Committee, U.S. Government Printing Office, 1947)

Effectiveness of FEPC

"The degree of effectiveness which the Fair Employment Practice Committee was able to attain has shown once and for all that it is possible to equalize job opportunity by governmental action, and thus eventually to eliminate the influence of prejudice in the field of employment."

—President Harry S. Truman, June 28, 1946.

FEDERAL

During the war years, Jews, Negroes and members of other minorities gained a foothold in industries and occupations which previously had been barred to them. Although the acute manpower shortage set the stage for these gains, they were in large measure directly attributable to the work of the FEPC.

In the three years following the issuance of Executive Order 9346, the Committee docketed some 8,000 cases. For those who seem to believe that employment discrimination is primarily a Southern problem, it is interesting to note that the largest proportion of cases originated in the industrialized East; the Midwest and Far West together came second; the South last.

FEPC gave recourse of appeal to all minority group war workers who had real or supposed grievances. The fact that the worker had the chance to present his story to his government was in itself a safety valve for bottled-up resentment. That FEPC carefully screened its cases was shown by the dismissal of two-thirds of all the cases brought to it. In this sifting process there were some 800 employers who never knew they had been charged with discrimination, since FEPC, without notice to them, persuaded the complainants that they did not have valid cases or that FEPC lacked jurisdiction.

During its most active 2 years, FEPC closed an average of 250 cases each month. In each of these months about 100 cases were closed as having been satisfactorily adjusted. Some war-plant gates were thereby opened to minorities hitherto refused admittance. Government and industry were persuaded to advance many minority workers to their established skills. Members of religious sects were

permitted to celebrate holy days under arrangements that they would make up the lost war work. A number of newspapers were persuaded to discontinue discriminatory want ads. Many worker groups withdrew their objections to working side by side with minority group members.

The effect of these cases on the morale of minority group workers is not precisely measurable. That it was far-reaching was shown during the war by the minimum of interracial friction. Vociferous threats to strike if minorities entered a plant evaporated when responsible unions and employers took a firm position against discrimination. Hundreds of such instances disprove in fact the assumptions of the inexperienced that "It can't be done." During the 18-month period covering the last 6 months of 1943 and all of 1944, strikes over racial issues cost only 1.7 per cent of the total man-days lost through all strikes.

FEPC Helped Win the War

There is full evidence that the wartime national policy of nondiscrimination contributed much to the shortening of the war.

The great war worker recruiting services, such as the War Manpower Commission and the War Shipping Administration, were constrained by Executive Order to eliminate discrimination. The War and Navy Departments, employers of more than a million industrial war workers, were bound to protect equal job opportunity. The Federal Government was obligated to be a model employer. A non-discrimination clause was in every war contract. This did not deter many officials in the vast wartime Government service from attempting to discriminate, as evidenced by the fact that 25 per cent of FEPC's case load came from Government sources. Nevertheless, the fact that the national policy was firm, and that agency heads were committed to it, created an atmosphere in which minority group members made great gains both in numbers and in grades of jobs.

The thousands of cases which FEPC settled in the field were seldom known to the public, because FEPC itself refused to give to the press any charges which later might prove invalid or possible of settlement. Because formal cases did go to public hearing and were fully reported, the public, ignorant of the informal settle-

ments, deduced from the few open hearings that FEPC invariably met with strong resistance or open defiance. This was not the truth.

Hundreds of FEPC charges were satisfactorily adjusted to every one which reached the public hearing stage. FEPC constantly applied persuasion as its best working tool and during its past 5 years satisfactorily settled nearly 5,000 cases by peaceful negotiation.

That is not to say that persuasion alone can end discrimination. The employer's need for war workers, or his patriotism, or dislike of exposure, each in its respective situation was a powerful incentive to stop discrimination. The practice, however, seldom disappeared spontaneously. The intervention of a third party, with authority to act if necessary, was required to start the process in motion.

Persuasion Alone Is Inadequate

The effective limits of persuasion appeared in the outstanding cases which FEPC never was able to settle. Relatively few in number, these employers and unions which successfully defied the national policy of non-discrimination proved that persuasion must be backed by legislative authority if conformity with the policy is to be realized.

Case statistics, however, provide but a fragmentary picture of the gains that were achieved. They fail to take into account the qualitative gains that were made in terms of upgrading and training, in terms of classification to higher categories of skill and pay, in terms of enabling workers to advance on a job in accordance with their ability. Nor do statistics reflect the direct gains that were made in terms of the very many firms which never were involved in negotiations with the FEPC but which altered their discriminatory employment policies in order to comply with the declaration of public policy contained in the Executive Order. Above all, statistics provide no measure of FEPC's contribution to national morale and unity, of the contribution its mere existence made in revitalizing the faith of millions of Americans in the democratic ideal.

When it is considered that the FEPC had no enforcement powers, that its annual budget was less than the hourly budget of many a war agency, and that the entire case load was handled by a staff of 36 examiners, the record proves conclusively, if proof be needed, that the authority of government can succeed in bringing an end to the blight of employment discrimination.

STATE

On March 12, 1945, Governor Thomas E. Dewey affixed his signature to the New York Law Against Discrimination, more popularly known as the Ives-Quinn Act,[1] thus making New York the first state to adopt a peacetime FEPC. In describing the Act, Governor Dewey declared, "It translates into law what is inherent in our Constitution, and is the very essence of our free society."[2]

In its essential provisions the Ives-Quinn Act bears a striking similarity to Senate Bill S. 984. It condemns discrimination in employment because of race, creed, color or national origin as endangering the welfare of the state, and declares the right to employment without such discrimination to be a civil right.

It creates a commission of five members, with powers which generally coincide with the powers proposed to be conferred upon the Commission under Senate Bill S. 984, section 6(g).

The definitions of unfair employment practices include in almost equivalent terms the definitions found in section 5(a) subdivision (1), (b) and (c) of Senate Bill S. 984.

The procedures set up under the New York State Law are generally similar to those in Senate Bill S. 984. The complaint must be verified by the aggrieved person or his attorney-at-law. When received, the complaint is referred to a Commissioner, who is charged with the duty of investigation, in which he may have the assistance of the Commission staff. If as a result of the investigation he finds probable cause to credit the allegations of the complaint, the Investigating Commissioner is charged with the duty of endeavoring to eliminate the unlawful practice by conference, conciliation and persuasion. What may transpire during such endeavors may not be disclosed. In case of failure to eliminate the unlawful practice, the Investigating Commissioner is required to notice the matter for hearing before three members of the Commission (other than the Investigating Commissioner). Testimony is taken under oath and on the complete record the Commission is required to state its findings and to make an order, either dismissing the complaint or requiring the respondent to cease and desist from the unlawful prac-

1. N. Y. Laws 1945, c.118.
2. Address over Columbia Broadcasting System, May 4, 1945.

tice and to take such affirmative action as in the judgment of the Commission will effectuate the purposes of the statute.

The New York Law contains provisions similar to those contained in Section 8 of Senate Bill S. 984 in aid of enforcement of the Commission's order or for the review of the Commission's action by a person claiming to be aggrieved by its order.

Since the passage of the Ives-Quinn Act, six other states have enacted FEPC laws. The laws of New Jersey,[3] Massachusetts,[4] and Connecticut[5] are modeled on and are very similar to the New York statute; those in Indiana,[6] Wisconsin[7] and Oregon[8] however, are merely investigatory statutes and, while they declare discrimination in employment to be contrary to public policy, they contain no enforcement provisions.

Prior to the passage of these laws, horrendous tales were heard to the effect that business would leave the state, white employees would quit their jobs and employers would be harassed with indiscriminate charges. All of these predictions have proved to be utterly groundless.

The chairmen of the New York, New Jersey and Massachusetts Commissions, the three states with the longest experience with FEPC laws, testified before the Senate Labor and Public Welfare Committee at the hearings on S. 984.

All reported that there had not been a single instance of a business leaving the state, of a mass walkout, or of a complaint by any employer that compliance with the law had resulted in a loss of either customers or revenue. On the contrary, they testified that an increasing number of concerns had come to the conclusion that FEPC laws help business by promoting a more efficient utilization of labor. As one executive put it, "Some of the new people I've hired are outstanding. You ought to point out to employers the benefits they get from an increased labor market, where they have access to so many qualified workers." Moreover, the representatives

3. N. J. Laws 1945, c.169.
4. Mass. Laws 1946, c.368.
5. Connecticut Laws 1947, Public Act 171.
6. Ind. Laws 1945, c.325.
7. Wisc. Laws 1945, c.490.
8. Oregon Laws 1947, c.508.

from New York, New Jersey and Massachusetts were unanimous in declaring that the FEPC laws in their respective states had resulted in a marked decline in discriminatory practices and in the virtual elimination of discriminatory advertisements and employment application forms. They were unanimous, too, in the opinion that enactment of an effective federal statute would strengthen and facilitate the administration of their own laws.

Altogether these three Commissions reported a total of 1226 cases. In not a single case, was it necessary to go beyond the processes of "conferences, conciliation and persuasion" to effect a satisfactory adjustment. Again the Commissioners were unanimous, however in emphasizing that although no state had found it necessary to invoke legal sanctions, "the very fact that it is part of the procedure has had its effect and helped make possible the really remarkable record of cases settled through conciliation alone."[9] As one Commissioner put it, "You have no impulse to accept the conciliation efforts unless there is in the background somewhere the possibility that . . . sanctions may be imposed, or the authority of the courts called upon . . . I do not mean to imply that the conference proceeded under duress . . . but there was always the possibility of that alternative which rendered the respondent more willing to sit down and realize he had to make certain concessions."[10]

Although the number of complaints reported was relatively small, it was pointed out that the "ramifications of one well-settled case are amazing." Thus, for example, a case was cited involving a company employing 30,000 people in the State of New Jersey. "The satisfactory adjustment of that one complaint" it was reported, "has led to at least one thousand new job opportunities for members of minority groups."[11]

Moreover, the Commissioners were emphatic in declaring that complaints are only a "minor phase" in determining the effectiveness of an FEPC statute.

The objective of FEPC, they pointed out, is not to build case loads

---

9. Testimony of Mildred Mahoney, Chairman, Mass. FEPC.

10. Testimony of Henry C. Turner, Chairman, New York State Commission Against Discrimination.

11. Testimony of Joseph L. Bustard, Asst. Commissioner of Education, State of New Jersey.

but to reduce discrimination. The number of firms who voluntarily change their employment policies to conform to the provisions of the law, therefore, is far more significant than the number of complaints handled. The following quotation is from the testimony of Joseph Bustard of the New Jersey Commission. It reflects, however, the testimony of New York and Massachusetts as well.

"With the enactment of the New Jersey law many concerns and corporations broadened their employment policies to include minorities who had been neglected for no other reason than indifference or thoughtlessness. Others who had employed minorities in limited capacities inaugurated programs of upgrading with merit as the sole consideration. Still others appealed to the division to assist in analyzing employee reaction and to advise the concern as to methods of selection and induction of minority workers. It was the natural expression of the majority wishing to live within the law and of others finding that the law enabled and supported them in initiating that which they had desired but had feared to do."[12]

MUNICIPAL

Coincident with the movements for fair employment practice legislation on the federal and state levels, there has been increasing discussion of the desirability of municipal action as a further aid in the fight against employment discrimination.

In August, 1945, Chicago became the first city to enact an ordinance on the subject; with Milwaukee and, more recently, Minneapolis following suit. Similar ordinances have been proposed or introduced in Buffalo, Philadelphia, St. Louis, Cincinnati, Detroit, Cleveland, Seattle, Los Angeles, Toledo, Spokane, San Diego and Indianapolis.

The Chicago and Milwaukee ordinances leave enforcement to the injured individual or to the cities' prosecuting authorities and, like state civil rights laws with similar provisions, have proved relatively ineffective.

The Minneapolis ordinance, on the other hand, establishes a five man commission with power to investigate and adjust complaints.

---

12. *Ibid.*

Within two months after the commission had taken office, Mayor Hubert Humphrey reported "positive evidence of the value of this legislation in overcoming discrimination in employment. Even before the commission established an office," he testified, "a number of inquiries were received from leading employers and union officials as to the steps they should take to bring their practices into full compliance with the provisions of the ordinance. . . . The law gives employers the opportunity to shift to the City Government the burden of meeting whatever opposition may present itself against a policy of non-discrimination in employment. That is a responsibility that I, and the members of the commission, are glad to assume."[13]

Despite his emphatic endorsement of the gains achieved under the Minneapolis ordinance, Mayor Humphrey was no less emphatic in stating that "local action can never be sufficient nor adequate to solve this serious national problem. Federal legislation should set the basic national pattern, and local laws may be enacted to apply this pattern to groups of employers, labor organizations and workers which cannot be appropriately covered by national legislation."[14]

13. Testimony of Hubert H. Humphrey.
14. *Ibid.*

Legislative History of FEPC

In the spring of 1944, identical bills to establish a permanent FEPC were introduced into the House of Representatives of the 78th Congress by Representatives Thomas E. Scanlon (H.R. 3986), William Dawson (H.R. 4004), and Charles LaFollette (H.R. 4005). Hearings on these bills were held by the House Committee on Labor, which reported the bills favorably. No further action was taken, however, and the bills expired at the termination of the 78th Congress.

On June 23, 1944, a companion bill creating a permanent FEPC (S. 2048) was introduced into the Senate of the 78th Congress by Senator Dennis Chavez on behalf of himself and Senators Downey, James. E. Murray, Robert F. Wagner, William Langer, and Arthur Capper. The bill was referred to the Senate Committee on Education and Labor which appointed a Subcommittee chaired by Senator Chavez to consider the bill. Hearings were held late in August and early in September, 1944 (transcript available). Although the bill was favorably reported, no action was taken by the Senate before the expiration of the 78th Congress.

Thirteen bills creating a permanent FEPC were introduced into the House at the beginning of the 79th Congress. These bills were considered, without further hearings, by a subcommittee of the House Committee on Labor which recommended to the full committee a bill embodying the best features of all of the proposals. Upon completion of comprehensive discussion by the full committee, it requested Mrs. Norton on February 20, 1945, as chairman of the Committee on Labor, to introduce H.R. 2232 as a committee bill. (The report of this Committee is obtainable as Report No. 187 of the House Committee on Labor.)

The bill was then referred to the House Committee on Rules, which for a period of over three months resorted to every known device to avoid taking a stand on the measure. On June 12, 1945, following pressure by President Truman, the issue of reporting the bill for debate was brought to a vote. Since a tie (6-6) resulted, the bill remained in Committee. Representative Sabath, chairman of the Rules Committee, in commenting on the situation, said on

July 6, "The Committee on Rules was not created for the purpose of delaying or depriving the Members of the House of the right to vote upon important legislation, but it was created for the purpose of properly expediting proposed legislation under the rules and to give the membership of the House a proper opportunity to vote on a proposal. Unfortunately, in the instant case this right and privilege has been denied to the Members of the House . . . I always have felt and feel now, that a rule should have been granted, that the House should have been given an opportunity to vote upon this proposed legislation." After all efforts to dislodge the bill from Committee had failed, a discharge petition was initiated which failed to secure the 218 signatures necessary to bring the bill on to the floor.

Parliamentary Maneuvers Blocked Consideration

Mrs. Norton then resorted to the parliamentary device, the rule of Calendar Wednesday. On Tuesday, September 25, when the customary request to suspend the next day's Calendar Wednesday was made, she objected. On Wednesday, September 26, however, within 15 minutes after the session began, Mr. Whittington, of Mississippi, moved the adjournment of the House, and it carried by a vote of 74 to 31, thus ending the calendar and legislative day. Later efforts were similarly unsuccessful.

On January 6, 1945, Senator Chavez on behalf of himself and Senators Downey, Murray, Wagner, Aiken, Capper, and Langer, introduced S. 101, which with minor changes was the same as the Norton Bill in the House. On February 4, 1945, Senator Taft introduced S. 459 which differed from S. 101 chiefly in that it did not provide for any judicial enforcement or judicial review. Both bills were referred to a subcommittee of the Senate Committee on Education and Labor. After full hearings, the subcommittee, by unanimous vote, and the full committee by a vote of 12-6, reported favorably on S. 101.

"On January 17, 1946, during the Senate morning hour and after the routine morning business had been dispensed with, Mr. Chavez moved that the Senate proceed to the consideration of S. 101. Upon a roll-call vote, his motion was carried 49 to 17. Mr. Chavez then began to discuss his bill. Later on, at approximately 3:45 p.m., Mr. McKellar moved the adjournment of the Senate, which motion was adopted by a voice vote.

"The following day, when the Senate convened, following the routine prayer of the Chaplain, Mr. Barkley, the majority leader, moved that the Journal of the prior day's proceedings be approved without reading. Mr. Overton objected and then moved to correct the Journal to include therein the prayer delivered by the Chaplain on the preceding day. The correction of the Journal and the appeal from a ruling of the Chair on a point of order—whether the correction of the Journal or the consideration of S. 101 was the pending business—remained the business before the Senate until February 7, 1946, when Mr. Barkley withdrew his appeal from the Chair, the motion to correct the Journal of January 17 was withdrawn, and Mr. Barkley moved approval of the Journal, which was approved by unanimous consent. S. 101 then became the unfinished business of the Senate.

"A cloture petition with 48 signatures was then filed by Mr. Barkley. On Saturday, February 9, the vote on cloture was taken. The vote was 48 to 36, and lacking the necessary two-thirds, the cloture rule was not invoked. Mr. Chavez then moved to displace S. 101 in favor of an appropriation measure. His motion was adopted 72 to 12, and S. 101 was restored to the calendar, where it remained until the Seventy-ninth Congress adjourned."[1]

80th Congress

On March 27, 1947 Senator Irving Ives (R-N.Y.) introduced S. 984 for himself and Senators Saltonstall (R-Mass.), Smith (R-N.J.), Morse (R-Ore.), Chavez (D-N.M.), Downey (D-Calif.), Murray (D-Mont.), and Myers (D-Pa.). Companion identical bills were introduced in the House by Reps. Fulton (R-Pa.) H.R. 2824, Norton (D-N.J.) H.R. 2820, Douglas (D-Calif.) H.R. 2877, Dawson (D-Ill.) H.R. 2902, Javits (R-N.Y.) H.R. 3034, Powell (D-N.Y.) H.R. 3105, Judd (R-Minn.) H.R. 3273, Bender (R-Ohio) H.R. 3316 and others.

In the House, the Committee on Education and Labor to which the bill was referred, failed to schedule hearings and took no action.

In the Senate, the Committee on Labor and Public Welfare called hearings on S. 984 before a subcommittee consisting of Senators Donnell (R-Mo.), Ives, Smith, Ellender and Murray. Although the hearings were originally scheduled to terminate on June 20, at the

1. 93 *Congressional Record* (March 28, 1947), p. 2881.

request of Senator Ellender, they were extended until July 18, only nine days before Congress adjourned.

During the course of the hearings, Senator Smith advanced "for discussion purposes" a proposal to allow individual states, by legislative action, to suspend operation of the enforcement provisions of the bill within their borders. Opposition to this proposal was voiced by practically every witness whom Sen. Smith questioned. Nevertheless, Senator Smith failed to support the motion of his co-sponsors, Senators Ives and Murray, to report the bill favorably from the subcommittee to the full Labor and Public Welfare Committee. Instead, he offered a substitute motion endorsing the "general purposes" of the bill but recommending "further study" of its provisions.

This motion, adopted by the subcommittee, was accepted by the full committee which announced that it would hold the bill until January when it would consider amendments by Committee members. No further action had been taken when the first session of the 80th Congress ended.

3

Analysis of Pending FEPC Legislation

Digest of Pending Bills: S. 984 – H.R. 2824

SUMMARY OF PROVISIONS[1]

1. *Practices prohibited:* The bill forbids discrimination in hiring, firing, or conditions of employment because of race, religion, color, national origin, or ancestry by an employer of 50 or more engaged in interstate commerce and also forbids him to utilize any employment agency or other placement service which discriminates—section 5a. The bill forbids a labor organization having 50 members in the employ of one or more subject to the act to discriminate against any individual or to segregate or limit its membership in any way which adversely affects his employment opportunities—section 5b. The bill forbids employers and labor organizations to discriminate against any person for having opposed an unlawful employment practice.

2. *Exemptions:* The bill exempts State or municipal—but not Federal—agencies as well as nonprofit religious, charitable, fraternal, social, and educational associations, other than labor organizations—section 4.

3. *Who enforces act:* The bill creates a National Commission Against Discrimination in Employment composed of seven members at an annual salary of $10,000 each, appointed by the President with the advice and consent of the Senate for overlapping 7-year terms—section 6.

4. *Powers of Commission:* The bill authorizes the Commission to investigate charges, attempt to eliminate discrimination by conference, conciliation, and persuasion, issue complaints, hold hearings, subpoena witnesses, make findings of fact, issue cease-and-desist orders, order reinstatement or hiring, with or without back pay, and seek enforcement of its orders in court—section 7.

5. *Sanctions:* Violation of a court-enforced order of the Commission may be punishable as a contempt of court—section 8. Wilful

1. 93 *Congressional Record* A2698 (May 29, 1947). Remarks of Hon. James C. Fulton. (Reprints available from National Council for a Permanent FEPC.)

resistance to Commission representatives is a misdemeanor—section 14—punishable by a fine of not more than $500 and/or imprisonment for not more than 1 year.

6. *Administrative procedure:* Charges may be filed by or on behalf of an aggrieved person or by any member of the Commission. The commissioner who filed a charge shall not participate in a hearing or trial thereof. Three members of the Commission hear the parties argue the case, after hearing, but the entire Commission—three members constituting a quorum—must decide it. Procedure is in conformity with the Administrative Procedure Act—section 7 and section 8.

7. *Judicial review:* Review is had in circuit court of appeals in accordance with the Administrative Procedure Act. An order may be set aside if arbitrary or capricious or not supported by substantial evidence—section 8.

8. *Government agencies and Government contracts:* Commission orders against a Federal agency may be enforced by the President and not by the courts. The President may also issue regulations to prevent unlawful employment practices on any Federal contract employing 50 or more persons. Such regulations are enforced by the Commission—section 10.

9. *Notices:* Every employer or union subject to act must post notices about act approved by Commission; a wilful failure to post is punishable by a fine of from $100 to $500—section 11.

10. *Other provisions:*

(a) The act is to be known as the "National Act Against Discrimination in Employment"—section 1.

(b) The declaration of policy cites the constitutional and moral justifications for the act, including the Charter of the United Nations. The right to employment without discrimination is made a Federal civil right—section 2.

(c) A trial examiner who presides at a Commission hearing must be a resident of the Federal judicial circuit in which the alleged unlawful practice took place—section 6f.

(d) At the request of an employer whose employees refuse to

cooperate with the act, the Commission may offer remedial action —section 6g.

(e) The Commission may create State or regional advisory or conciliation councils and may empower them to study the problem or specific instances of discrimination in employment—section 6g.

(f) Complaints must be filed within 1 year after discrimination has been committed—section 7h.

(g) The act does not affect in any way veterans' preferences laws —section 12.

(h) Regulations of the Commission may be set aside by a concurrent resolution of both Houses of Congress—section 13.

Comparison Between Pending and Previous Bills

Prior to drafting the pending FEPC bills (S. 984, H.R. 2824), all previous bills and proposed amendments were carefully reviewed and a conscientious effort was made to incorporate those suggestions which would satisfy critics of FEPC without impairing the essentials of an effective bill. The current legislation thus embodies many of the recommendations made during Congressional hearings and debate, as well as provisions that have proved helpful in the successful administration of state FEPC laws.

The chart on pages 57 to 61 illustrates the chief points of difference between S. 984 (Ives Bill, 80th Congress) and S. 101 (Chavez Bill, 79th Congress).

"By limiting its coverage to employers of 50 or more, S. 984 answers those critics who argued that former bills were not only administratively unenforceable but would interfere with the legitimate operations of family type farmers and small businessmen.

"By exempting non-profit religious, charitable, fraternal and educational associations, S. 984 disposes of the specious contention that purely religious institutions would be obliged to employ members of a different faith.

"By substituting the term 'religion' for 'creed', S. 984 answers those, who like former Representative Slaughter, felt that the latter term was far too vague and ill-defined.

"By eliminating the blacklist against Federal contractors who discriminate, by furnishing technical assistance to persons under the Act so as to further compliance, by authorizing the Commission to help employers whose employees refuse or threaten to refuse to cooperate with the policies of the Act, and above all, by making 'conference, conciliation and persuasion' a mandatory first step, while providing at the same time that the results of such endeavors may not be used in evidence, the sponsors of S. 984 have clearly demonstrated, all charges to the contrary notwithstanding, that the bill is therapeutic and not punitive in its intent.

"By removing all time limitations upon Congress' right by concurrent resolution to nullify any rule or regulation of the Commission, S. 984 assures that the Commission will operate as an agency responsible to public opinion as that opinion is reflected in Congress. This same concern for making the Commission responsive to public opinion is reflected in the provisions for the establishment of local advisory councils, and in the requirement that hearing officers must be residents of the judicial circuit where the alleged unlawful employment practice occurred.

"Critics of earlier legislation prohibiting discrimination in employment laid much stress on the alleged procedural weaknesses of those bills. S. 984 seeks to provide every possible protection for those coming under its jurisdiction. It incorporates all of the reforms adopted by Congress in the Administrative Procedure Act, including separation of the investigative or prosecutive functions from the adjudicative functions, issuance of declaratory orders to terminate a controversy, and an enlarged scope of judicial review.

"In addition, it sets up safeguards against irresponsible complaints by limiting the period within which complaints may be filed to one year after the alleged violation, by requiring that a sworn written charge be filed by or in behalf of an aggrieved person, and by providing that three members of the Commission hear oral arguments after the evidence is compiled. Will the critics of former bills now object to the explicit procedures which they themselves so ardently advocated?[1]

1. Testimony of Henry Epstein, Chairman, National Community Relations Advisory Council.

Chief Points of Difference Between Ives Bill (S. 984, 80th Cong.) and Chavez Bill (S. 101, 79th Cong.) [1]

Subject	*S. 984*	*S. 101*
Findings	Act intended in part to fulfill obligation of United Nations Charter—Sec. 2(c).	Findings contain no reference to treaty obligations—Sec. 1.
Application to U.S. Gov't.	Applicable to agencies of Federal government — Sec. 3(b). Commission may request President to obtain compliance—Sec. 10	Applicable to agencies of Federal government — Sec. 16 (a). President *required* to secure compliance with orders, and Federal employee who violates order to be discharged—Sec. 4(c).
Application to Federal contractors	President to make rules to prevent discrimination by Federal contractors employing 50 or more employees whether or not engaged in interstate commerce; enforceable by Commission—Sec. 10.	Applicable to Federal contractors and sub-contractors employing 6 or more employees whether or not engaged in interstate commerce — Sec. 4(a).
Application to States	Act not applicable to States, municipalities or political subdivisions—Sec. 4.	No provision
Limitation as to number of employees	Applies only to employers of 50 or more employees—Sec. 3(b).	Applies only to employers of 6 or more employees—Sec. 4(a).
Other exemptions	Exempts non-profit religious, charitable, fraternal, social, educational or sectarian organizations—Sec. 4.	No other exemptions.

1. Testimony of Dr. Stephen S. Wise, President, American Jewish Congress.

Subject	*S. 984*	*S. 101*
Illegal practices of employers	To refuse to hire, discharge or otherwise discriminate because of race, etc.—Sec. 5(a)(1); to recruit employees through employment agency, union or other source which discriminates —Sec. 5(a)(2).	Same—Sec. 3(a).
Illegal practices of unions	To discriminate against any person or to classify membership so as to deprive such person of employment opportunities or otherwise affect his status as an employee or applicant for employment or his working conditions, because of race, etc.—Sec. 5(b).	To deny full membership rights or to expel any person or to discriminate against any member, employer or employee because of race, etc.—Sec. 3(b).
Enforcing agency	National Commission Against Discrimination in Employment; seven members—Sec. 6(a).	Fair Employment Practice Commission; five members—Sec. 5.
Charges by private parties	Sworn written charge must be filed by or on behalf of person claiming to be aggrieved—Sect. 7(a).	Charge may be filed by anyone even though not aggrieved and need not be sworn to—Sec. 10(b).
Charges by Commission	Charge may be filed by member of Commission—Sec. 7(a).	No provision.
Conciliation	Commission must endeavor to eliminate unlawful practice by informal methods *before* issuing complaint—Sec. 7(a).	No requirement of informal conciliation efforts at any stage of case.
Conciliation efforts in evidence	Nothing said or done during conciliation efforts may be used in evidence—Sec. 7(a).	No limitation on use as evidence.

Subject	*S. 984*	*S. 101*
Issuance of complaint	Commission serves verified charge filed by complainant —Sec. 7(b).	Commission prepares and issues complaint in its own name — Sec. 10(b).
Hearing officer	Hearing officer must be resident of judicial circuit where violations occurred —Sec. 6(f).	No limitation — Sec. 10(b).
Adjudication	Sec. 7(k) adopts Sec. 5(c) of Adm. Pro. Act providing for separation of functions of hearing officer.	No provision.
Declaratory orders	Sec. 7(k) adopts Sec. 5(d) of Adm. Pro. Act authorizing agency to issue declaratory orders.	No provision.
Ancillary procedural matters	Sec. 7(k) adopts Sec. 6 of Adm. Pro. Act governing interventions, subpoenas, denials of motions, etc.	No similar detailed provisions.
Hearings	Sec. 7(k) adopts Sec. 7 of Adm. Pro. Act governing powers of hearing officer, burden of evidence, etc.	No provision.
Decision	Sec. 7(k) adopts Sec. 8 of Adm. Pro. Act as to report by hearing officer, tentative findings, right to file briefs, etc.	No provision.
Hearing before agency	3 members of Commission must hear oral arguments after hearing—Sec. 7(d).	No provision.

Subject	*S. 984*	*S. 101*
Scope of judicial review	Incorporates Administrative Procedure Act — Sec. 8(a). Sec. 10(e) of that Act gives broad ground of review; findings must be sustained by substantial evidence on the whole record and must not be arbitrary or capricious.	Incorporates provisions of NLRA under which Board findings are conclusive in court if supported by substantial evidence—Sec. 10(e).
Adoption of rules and regulations	Commission may make "suitable" rules, subject to Administrative Procedure Act, but Congress may nullify them by concurrent resolutions at any time—Sec. 13.	Commission may make "suitable" rules which become effective in 60 days unless Congress nullifies them or adjourns within 30 days—Sec. 12.
General powers of investigation	Commission given broad powers of investigation and study—Sec. 6(d), 6(g)(6).	Commission shall make reports on causes of and means of alleviating discrimination.
Advisory bodies	Commission may create local and regional advisory bodies of representative citizens to study discrimination and foster good will—Sec. 6(g)(7).	No provision.
Assistance to persons subject to Act	Commission may furnish employers subject to Act technical assistance to further compliance—Sec. 6(g)(4). It may assist employers whose employees refuse to cooperate—Sec. 6(g)(5).	No provision.
Limitation on filing charges	Charges must be filed within one year of violation—Sec. 7(h).	No time limitation on filing charges.

Subject	*S. 984*	*S. 101*
Criminal penalties	Up to $500 and/or 1 yr. for *forcible* interference with Commission agents — Sec. 14.	Up to $5000 and/or 1 year for *wilful* interference with Commission agents—Sec. 14.
Notices	Employers and unions must post notices on their premises describing Act — Sec. 11.	No provision.
Veterans	Act not to be construed as modifying rights of veterans—Sec. 12.	No provision.

What FEPC Does Not Do

Having pointed out in the preceding section how the FEPC bill operates, it is well to point out what the bill does not do in order to clarify some common misconceptions.

The following questions and answers have been taken in part from a pamphlet entitled "Elimination of Discrimination in Employment" from the remarks of Senator Denis Chavez of New Mexico in the U.S. Senate on May 26, 1947. (Copies of this pamphlet are available upon request from the National Council for a Permanent FEPC, 930 F St., N.W., Washington, D.C.)

1. FEPC does *not* require an employer to hire Negroes, Jews, Mexicans or other minorities—An employer may hire or reject anyone he pleases, on any basis and for any reason, so long as a needed and qualified person is not rejected because of his race, color, creed, national origin, or ancestry.

2. FEPC does *not* require an employer to hire a particular percentage of any minority group—It provides only that employees shall be selected on the basis of their qualifications. A quota plan makes hiring dependent upon race and is, therefore itself discriminatory.

3. FEPC does *not* apply to small retail stores, domestic servants or religious associations—It applies only to those employers who are engaged in interstate commerce and who employ 50 or more persons.

4. FEPC does *not* confer special privileges on minorities—It merely assures equality of opportunity and equality of treatment. It requires that persons shall be hired on the basis of their qualifications and not rejected because of the immaterial fact of their color, or religion, or place of birth.

5. FEPC does *not* promote social equality—The bill has nothing to do with personal or social relationships. It is concerned only with equality of job opportunity.

6. FEPC does *not* interfere with management's right to hire or with labor's right to manage its own affairs—Management is left free to set its hiring, training, and upgrading practices, to adjust its internal plant policy, and to discharge according to any standard it

may adopt, so long as there is no arbitrary discrimination because of race, religion, color, national origin or ancestry. In the same way, organized labor is free to manage its internal affairs according to its own rights, except that it cannot deny any of the advantages or opportunities of union organization and collective bargaining to any person because of race, religion, color, national origin, or ancestry.

7. FEPC does *not* guarantee jobs for members of minority groups —The bill does not insure jobs for anyone. The FEPC simply provides that all individuals regardless of race, religion, color or national origin shall be guaranteed an equal *opportunity* for whatever jobs are available.

Answering the Critics

Even the most bitter foes of an FEPC have professed their opposition to discrimination and not a single voice has been raised in defense of such practices. This in itself reflects acceptance of the fact that discrimination is un-American, unjust and completely contrary to our democratic tradition. Since the opposition to FEPC is based not on the purpose of the legislation but on the method, let us examine some of the avowed objections.

1. *". . . you cannot abolish prejudice by law."*

This argument stems from a failure to distinguish between prejudice, which is a state of mind, and discrimination, which is an overt act. A man has a right to his individual prejudices, however wrongly conceived. But in a democracy, no man has the right to translate his prejudices into action which infringes on the rights and liberties of others. When prejudice is translated into active discrimination whereby men, solely because of their race, religion, color or national origin, are denied an opportunity of earning a livelihood for themselves and for their families, it is the proper function of government to prevent such practices. This is the prime objective of all Civil Rights Laws—to prevent discrimination, not to abolish prejudice. This is the objective of the FEPC bills—to prevent *discrimination* in employment. The word prejudice does not even appear in the bill.

2. *". . . passage of this legislation will promote strife and conflict."*

This argument is contrary to all experience. Decency and fair play have never fostered strife. On the contrary, such tension and conflict arises only when people feel they cannot obtain redress from their government for a recognized evil. Only when a government disregards the demand for justice, do citizens, in desperation, turn to disorder and rioting. Members of minority groups who have fought and bled for our democracy cannot be expected to sit by passively and be told, "You have won freedom for the peoples of all the world, but it is to be denied you here at home." The whole purpose of this legislation is to minimize tensions by providing an orderly procedure for dealing with employment discrimination. Through the FEPC it will be possible to work out amicable solutions to situations which might otherwise lead to strife. Passage of this legislation will

minimize the likelihood of conflict by eliminating one of the basic causes for such conflict—the denial of an equal opportunity to make a living and make a life.

3. *". . . the problem can be solved by the courts without setting up any new administrative agency."*

Society has a stake in eliminating discrimination and should therefore assume the responsibility and costs of such enforcement, rather than leave it to private parties to hire their own lawyers to enforce the national policy. Such enforcement by private suit is haphazard and means long-drawn, complicated, expensive litigation. An administrative agency is necessary—

(a) To prevent the flooding of courts and the clogging of their calendars to the detriment of their other work;

(b) To screen out worthless complaints which otherwise would harass innocent employers or unions. A respondent has to defend every suit filed in court, but most administrative agencies dismiss from two-thirds to three-fourths of all charges submitted;

(c) To protect the rights of employees without compelling them to hire their own lawyers;

(d) To insure speedy action and avoid delays and excessive costs in the courts;

(e) To insure uniformity by having one agency interpret the bill instead of 94 Federal district courts;

(f) To permit a commission of experts to devote full time to the problem;

(g) To avoid the necessity of criminal penalties which juries hesitate to impose.

4. *". . . the solution to the problem of discrimination lies in education rather than legislation."*

The basic fallacy of this argument is to counterpose education against legislation as though each were an independent and opposing entity. Today educators everywhere subscribe to the thesis of learning by doing, just as legislators recognize that law constitutes one of the most powerful instruments of education. To the extent that a dichotomy exists between the principles taught in our schools and the practices which obtain outside them, to that extent educa-

tion itself is rendered suspect. The complementary character of education and legislation is strikingly demonstrated by the fact that it became necessary to pass laws making school attendance compulsory before our educational system itself was able to function effectively. It is almost a universal maxim that "honesty is the best policy." Nevertheless, laws dealing with departures from that policy are no less universal. Indeed, the Ten Commandments themselves have had to be reinforced by legal sanctions. Laws do not of themselves ever automatically end the abuses they are designed to correct. Our criminal statutes have not eliminated crime nor have the juvenile courts abolished delinquency. Laws do, however, establish criteria by which our actions may be judged. Passage of this legislation will establish that employment discrimination is inimical to the public welfare. It will indicate that public policy is opposed to hiring standards based on race, religion, color, or national origin, and it will thus provide a frame of reference within which the necessary educational processes can be accelerated.

Who's Supporting the Bills

NATIONAL ORGANIZATIONS (partial list)

Alpha Kappa Alpha Sorority
Alpha Phi Alpha
Amalgamated Clothing Workers of America
American Civil Liberties Union
American Council on Race Relations
American Federation of Labor
Americans for Democratic Action
American Friends Service Committee
American Jewish Committee
American Jewish Congress
American Unitarian Association
American Unitarian Youth
American Veterans Committee
Americans United for World Organization
B'nai B'rith
Brotherhood of Sleeping Car Porters
Catholic Interracial Council
Catholic War Veterans
Central Conference of American Rabbis
Church League for Industrial Democracy
Committee of Racial Equality
Common Council for American Unity
Congregational Christian Churches (Council for Social Action)
Congress of Industrial Organizations
Council Against Intolerance in America
Delta Sigma Theta Sorority
Evangelical and Reformed Church, General Synod
Federal Council of the Churches of Christ in America
Fraternal Council of Negro Churches in America
Girl Friends
Improved Benevolent & Protective Order of Elks of the World
Industrial Union of Marine and Shipbuilding Workers of America
International Ladies Garment Workers Union
Japanese-American Citizens League
Jewish Labor Committee
Jewish War Veterans of the United States
Kappa Alpha Psi

League of United Latin American Citizens
Methodist Church, General Conference
Methodist Ministers' Union
National Alliance of Postal Employees
National Association for the Advancement of Colored People
National Association of Colored Graduate Nurses
National Bar Association
National CIO Committee to Abolish Racial Discrimination
National Community Relations Advisory Council
National Conference of Christians and Jews
National Consumers League
National Council of Catholic Women
National Council of Jewish Women
National Council of Negro Women
National Council of Student Christian Associations
National Farm Labor Union, A. F. of L.
National Negro Insurance Association
National Religion & Labor Foundation
National Urban League
National Women's Trade Union League of America
Negro Newspaper Publishers Assn.
Omega Psi Phi
Postwar World Council
Presbyterian General Assembly
Retail, Wholesale and Department Store Union
Sigma Gamma Rho Sorority
Students for Democratic Action
Synagogue Council of America
Union of American Hebrew Congregations
United Automobile, Aircraft and Agricultural Implement Workers of America
United Council of Church Women
United Hatters, Cap and Millinery Workers International Union
United Mine Workers of America
United Packinghouse Workers of America
United Transport Service Employees Union
Women's International League for Peace and Freedom
Workers Defense League
Young Men's Christian Association, National Board
Young Women's Christian Association, National Board

Bibliography

Annual Reports:

New York State Commission Against Discrimination, 270 Broadway, New York City, N. Y.

State of New Jersey, Division Against Discrimination, 1060 Broad Street, Newark, N. J.

Massachusetts Fair Employment Practice Commission, 73 Tremont Street, Boston, Mass.

(Available from the respective commissions, etc.)

Anti-Discrimination in Employment. Hearings before a Sub-committee of the Committee on Labor and Public Welfare, United States Senate, Eightieth Congress, First Session, on S. 984. 1947. U.S. Government Printing Office, Washington, D.C.

Cohen, Felix. "The People vs. Discrimination". *Commentary* (March, 1946), pp. 17-22. (Reprints available from Community Relations Service, 386 Fourth Avenue, New York 16, N. Y.)

Discrimination Costs You Money. UAW-CIO Fair Practices Department, 5701 Second Boulevard, Detroit 2, Michigan.

Elson, Alex and Schonfield, Leonard. "Local Regulation of Discriminatory Employment Practices." (February, 1947) *Yale Law Journal.* (Available from American Council on Race Relations, 32 West Randolph Street, Chicago 1, Illinois.)

Fair Employment Legislation in New York State: Its History, Development and Suggested Use Elsewhere. 1946. International Committee of the YMCA. (Available from Anti-Defamation League, 212 Fifth Avenue, New York 10, N. Y.)

Fair Employment Practice Committee. *Final Report.* 1947. U.S. Government Printing Office, Washington, D.C. 30 cents.

Inside Facts. (Available from New York State Commission Against Discrimination, 270 Broadway, New York, N. Y.)

Justice on the Job. 1947. National Council for a Permanent FEPC, 930 F Street, N.W., Washington 4, D.C.

Maslow, Will. "FEPC—A Case History in Parliamentary Maneuver." (1946) 13 *U. of Chicago Law Review*, 407. (Available from Commission on Law and Social Action, American Jewish Congress, 1834 Broadway, New York, N. Y.)

Ross, Irwin. "New York's FEPC Pays Off", *This Week* (August 25, 1946). (Reprints available from Community Relations Service, 386 Fourth Avenue, New York 16, N. Y.)

Ross, Malcolm. "They Did It in St. Louis", *Commentary* (July, 1947), pp. 9-15. (Reprints available from Community Relations Service, 386 Fourth Avenue, New York 16, N. Y.)

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

OFFICERS

HENRY EPSTEIN, *Chairman*

AARON DROOCK, BERNARD P. KOPKIND } *Vice-Chairmen*

BERNARD H. TRAGER, *Secretary*

D. BERYL MANISCHEWITZ, *Treasurer*

ISAIAH M. MINKOFF, *Executive Director*

EXECUTIVE COMMITTEE

Members

MAURICE B. FAGAN, *Philadelphia Jewish Community Relations Council*

FRANK GOLDMAN, *B'nai B'rith*

ADOLPH HELD, *Jewish Labor Committee*

SIDNEY HOLLANDER, *Baltimore Jewish Council*

IRVING KANE, *Jewish Community Council, Cleveland*

NATHAN M. KATZ, *Jewish Community Relations Council, Pittsburgh*

JOSEPH M. PROSKAUER, *American Jewish Committee*

HARRY SCHAFFER, *Jewish War Veterans of U.S.*

SAMUEL L. SCHEINER, *Minnesota Jewish Council*

STEPHEN S. WISE, *American Jewish Congress*

Alternates

EUGENE BLOCK, *Jewish Survey and B'nai B'rith Community Committee of San Francisco*

BERT C. BROUDE, *Milwaukee Jewish Council*

ISAAC FRANCK, *Brooklyn Jewish Community Council*

PAUL GOLDMAN, *Jewish Labor Committee*

RICHARD E. GUTSTADT, *B'nai B'rith*

LESTER A. JAFFE, *Cincinnati Jewish Community Council*

IRVING MILLER, *American Jewish Congress*

CHARLES SCHOTTLAND, *Jewish War Veterans of U.S.*

ROBERT E. SEGAL, *Jewish Community Council of Metropolitan Boston*

DAVID SHER, *American Jewish Committee*

NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

CONSTITUENT ORGANIZATIONS

National Agencies

AMERICAN JEWISH COMMITTEE

AMERICAN JEWISH CONGRESS

B'NAI B'RITH

JEWISH LABOR COMMITTEE

JEWISH WAR VETERANS OF THE UNITED STATES

UNION OF AMERICAN HEBREW CONGREGATIONS

Local, State, and Regional Agencies

AKRON JEWISH COMMUNITY COUNCIL

BALTIMORE JEWISH COUNCIL

JEWISH COMMUNITY COUNCIL OF METROPOLITAN BOSTON

JEWISH COMMUNITY COUNCIL, BRIDGEPORT, CONN.

BROOKLYN JEWISH COMMUNITY COUNCIL

CINCINNATI JEWISH COMMUNITY COUNCIL

JEWISH COMMUNITY COUNCIL, CLEVELAND, OHIO

DETROIT JEWISH COMMUNITY COUNCIL

INDIANA JEWISH COMMUNITY RELATIONS COUNCIL

PUBLIC RELATIONS COUNCIL OF THE JEWISH FEDERATION OF INDIANAPOLIS

JEWISH COMMUNITY COUNCIL OF GREATER KANSAS CITY

LOS ANGELES JEWISH COMMUNITY COMMITTEE

MILWAUKEE JEWISH COUNCIL

MINNESOTA JEWISH COUNCIL

JEWISH COMMUNITY COUNCIL OF ESSEX COUNTY, NEW JERSEY

NEW HAVEN JEWISH COMMUNITY COUNCIL

JEWISH PUBLIC RELATIONS COUNCIL FOR ALAMEDA AND CONTRA COSTA COUNTIES, CALIFORNIA

PHILADELPHIA JEWISH COMMUNITY RELATIONS COUNCIL

JEWISH COMMUNITY RELATIONS COUNCIL, PITTSBURGH

JEWISH COMMUNITY COUNCIL, ROCHESTER

JEWISH COMMUNITY RELATIONS COUNCIL OF ST. LOUIS

SOUTHWESTERN JEWISH COMMUNITY RELATIONS COUNCIL

JEWISH COMMUNITY COUNCIL OF SPRINGFIELD, MASS.

JEWISH SURVEY AND B'NAI B'RITH COMMUNITY COMMITTEE OF SAN FRANCISCO

National Council

for a Permanent Fair Employment Practice Committee

930 F Street, N. W., Washington 4, D. C. Telephone: Executive 223

Honorary Chairmen
SENATOR ARTHUR CAPPER
SENATOR ROBERT F. WAGNER

Co-Chairmen
REV. ALLAN KNIGHT CHALMERS
A. PHILIP RANDOLPH

Chairman, Executive Committee
ROY WILKINS

Treasurer
WILLIAM JAY SCHIEFFELIN

National Board of Directors
ROGER N. BALDWIN
MISS LINNA E. BESSETTE
JAMES B. CAREY
REV. J. HENRY CARPENTER
ASHBY CARTER
LEO M. CHERNE
ROBERT R. CHURCH
EARL B. DICKERSON
MAX DELSON
THURMAN L. DODSON
MELVYN DOUGLAS
ELSIE ELFENBEIN
EDWIN R. EMBREE
HENRY EPSTEIN
JUDGE GERALD F. FLOOD
WILLIAM I. GIBSON
FRANK GOLDMAN
RABBI SIDNEY E. GOLDSTEIN
LESTER B. GRANGER
BISHOP J. A. GREGG
JOHN GREEN
WILLIAM GREEN
MOST REV. FRANCIS J. HAAS, D.D.
DR. CAMERON HALL
LUCIUS C. HARPER
ADOLPH HELD
SIDNEY HOLLANDER
CHARLES H. HOUSTON
HUBERT H. HUMPHREY
GEORGE K. HUNTON
MRS. THOMASINA W. JOHNSON
ALFRED BAKER LEWIS
IRA F. LEWIS
MRS. RUTH B. LIPPER
BENJAMIN F. McLAURIN
MORRIS MILGRAM
PHILIP MURRAY
CECIL E. NEWMAN
DOROTHY S. NORMAN
CHAT PATTERSON
JACOB S. POTOFSKY
JUDGE JOSEPH M. PROSKAUER
WINIFRED RAUSHENBUSH
WALTER REUTHER
COL. MILTON RICHMAN
G. HOWLAND SHAW
BORIS SHISHKIN
MRS. HARPER SIBLEY
MAX H. SORENSON
RODERICK STEPHENS
WILLARD S. TOWNSEND
NOAH WALTER, JR.
PHILIP WEIGHTMAN
WALTER WHITE
J. FINLEY WILSON
DR. STEPHEN S. WISE
SAMUEL WOLCHOK
MAX ZARITSKY
CHARLES S. ZIMMERMAN

181

IM AA JC
CL WAL SS
Circulate Return to FILE

Executive Secretary

Director, Legislative and Public Relations

Dear Representative----------

During the 80th Congress, legislation was introduced under bi-partisan sponsorship to prohibit discrimination in employment because of race, religion, color, national origin or ancestry. The Senate Labor and Public Welfare Committee, after extended public hearings, and by a bi-partisan vote, reported favorably on the legislation (commonly referred to as FEPC) and recommended its passage. Unfortunately, the bill never reached a vote.

The standard bearers of both parties have repeatedly gone on record in support of FEPC legislation.

Within two months after assuming office, President Truman declared,

> "The principles and policy of fair employment practice should be established permanently as a part of our national law."

On February 2 of this year, the President sent a special message to the Congress, in which he declared,

> "Once more I repeat my request that the Congress enact fair employment practices legislation."

The first state FEPC law in the nation was enacted in New York with the active support of Governor Dewey. In commenting on that law, Governor Dewey declared,

> "Let there be no mistake about it, that law is just as fundamental a part of our American heritage as the Bill of Rights, freedom of speech, freedom of press, and freedom of worship."

Governor Dewey has on several occasions voiced the same sentiments with respect to the necessity for a federal FEPC.

The endorsement of FEPC by both President Truman and Governor Dewey reflects the official policy of the Democratic and Republican parties as expressed in the party platforms. The Democratic platform states,

> "We call upon the Congress to support our President in guaranteeing — the right to equal opportunity of employment."

OUTLAW DISCRIMINATION IN EMPLOYMENT

Pass Senate Bill 984 and House Bill 2824

The Republican platform states,

"The right of equal opportunity to work and to advance in life should never be limited in any individual because of race, religion, color, or country of origin. We favor the enactment and enforcement of such federal legislation as may be necessary to attain this right at all times in every part of this Republic."

With this unanimity of purpose, it is our hope and expectation that enactment of an effective federal FEPC law will be one of the first accomplishments of the incoming Congress. Because we believe that this problem represents one of the most vital issues confronting the nation today, we are interested in the views on this subject of all candidates for the Congress and the Senate. We shall therefore very much appreciate your answer to the attached questionnaire. In order that we may properly advise our cooperating organizations of your position in advance of the forthcoming elections, we shall very much appreciate receiving your reply before October 15th.

Respectfully yours,

Roy Wilkins

ROY WILKINS
Chairman, Executive Committee

---

1 - Will you support legislation establishing a federal FEPC with enforcement powers? .....Yes_____ No_____

Comments:

Signature:_____

Sen

Humphrey OK

Fortas (D/H)

Congdon - Neb (R) no love to states - yes (Nelson) (a) yes (b) No

Kelly OK

Carlyle (D) Va - OK.

Reprinted from THE JOURNAL OF NEGRO EDUCATION, VOL. XIX, *Summer*, 1950 *Issue*

THE ECONOMIC STATUS OF THE NEGRO IN THE UNITED STATES

ROBERT C. WEAVER

Professor of Education, New York University; and Director, Opportunity Fellowships, John Hay Whitney Foundation, New York City

I

Most of the North American Colonies imported indentured servants to meet the demand for wage labor. In the South, chief dependence was placed upon Negro slaves, who soon became not only the typical farmhand but also the artisans and house servants in urban as well as rural communities.

> Negro slavery displaced white servitude [in the South] because of certain economic advantages to the planters. There was, first, the fact that it was more difficult for the Negro than for the white servant to escape and lose himself among the colonists. Then there was the economic advantage of employing the black women as field hands since white women were as a rule exempted from such work.[1]

The majority of whites in the South had no direct economic interest in slavery or the plantation system,[2] so that the relatively few who did, found it necessary to identify such interests with those of a much wider segment of the population. To accomplish this, the concept of inherent superiority of all whites was introduced and popularized. Meanwhile,

> the plantation masters kept their poor white neighbors in ignorance hardly less dense than that of their black chattels. The poor white envied the slave's security and hated him for his material advantages [resulting from the master's concern with maintaining his investment in the slave who had to have a minimum of food, clothing, shelter and care in order to remain an asset], while the slave envied the white man's freedom and hated him for the advantages of his whiteness. Each group, in an effort to exhalt itself, looked down upon the other with all the contempt which the planter aristocracy showed to both.[3]

After the Civil War, the color occupational system perpetuated the concept of the Negro's inferiority, serving to conceal the economic nature of racial attitudes and conflict. This, in turn, facilitated extremely low wages in the South and periodically defeated attempts at labor organization in the North.

> The black worker has become a symbol of a potential threat to the white worker, and the Negro's occupational advancement is conciously or unconsciously feared. This fear has been bred in the economic realities

[1] E. Franklin Frazier, *The Negro in the United States*. New York: The MacMillan Co., 1949, p. 30.

[2] In 1790, 35.8 per cent of the families in the South held slaves; by 1850 the figure was 30.3 per cent. (U.S. Bureau of the Census, *A Century of Population Growth from the First Census of the United States to the Twelfth*, 1790-1900. Washington: Government Printing Office 1909, p. 135.) By 1860, however, three-fourths of the white population in the South had no direct property interest in slaves. Only 3 per cent of the whites belonged to the planter class at that date. See Maurice R. Davie, *Negroes in American Society*. New York: McGraw Hill, 1949, p. 59.

[3] Sterling Spero and Abram L. Harris, *The Black Worker*. New York: Columbia University Press, 1931, p. 4.

of America. Its origins lie in the unfavorable position of the "poor white" in the slave era and under the intense competition for employment in the South during reconstruction. The repeated introduction of the Negro as a strike-breaker, particularly in the industrial North and West, was instrumental in spreading the fear geographically and infecting organized labor with its germ. It has grown out of the American worker's experience with an economy which has seldom had enough jobs to absorb the labor supply. In such an economy, its development was an inevitable consequence of a caste system which perpetrates the concept of white men's jobs and black men's jobs; while, at the same time, it was used to secure the support of the white worker for such a system.[4]

II

As recently as 1900, only two out of every nine Negroes dwelled in cities. The 7,000,000 colored Americans in rural areas were, for the most part, farm laborers, earning from 30 to 75 cents a day in the regular season and at harvest time, from 60 cents to $1.00 a day and board.[5] The number of Negro farm owners was small, increasing from 120,738 in 1890 to 218,972 in 1910, when Negroes owned 12,847,348 acres of land. The value of this land (and not Negroes' equity in it) was estimated at over $620,000,000. Since, however, the average size of Negro-owned farms was only 47.9 acres (as compared to an average of 141.3 acres for Southern whites) and since most properties were heavily mortgaged, farm ownership did not represent economic affluence or even adequacy.

In this same period, a large number of Negroes found employment as lumbermen, turpentine laborers and workers in fertilizer and cotton seed oil plants in the South, while others entered coal mining and iron and steel. Colored men were generally in unskilled work and the most stable employment available to Negroes in many towns and cities was low-paid, domestic service. Meanwhile, by the last decade of the nineteenth century, Negroes had lost their dominance in the skilled trades of the South.[6] Nor was the economic status of northern Negroes appreciably better; in some instances

---

[4]Robert C. Weaver, *Negro Labor: A National Problem*, New York: Harcourt, Brace Co., 1946, pp. 107-08. This process, of course, has not been peculiar to the Negro. More recently, the Mexican has suffered a similar fate. "By keeping Mexicans segregated occupationally, employers have created a situation in which the skilled labor groups have naturally regarded the Mexicans as *group* competitors rather than as individual employees . . . In some areas, as in West Texas, it is also apparent that the use which has been made of Mexican labor has tended to drive out Anglo-American small farmers and tenants . . . While the conflict has always been economic, it has consistently been rationalized as racial or cultural in character." (Carey McWilliams, *North From Mexico*. New York: J. B. Lippincott Co., 1949, p. 216.)

[5]For detailed documentation of these figures, see Lorenzo J. Greene and Carter G. Woodson, *The Negro Wage Earner*. Washington: The Association for the Study of Negro Life and History, Inc., 1930, pp. 52-3.

[6]"At the close of the Civil War there were 100,000 Negro mechanics as compared with 20,000 white mechanics in the South, but between 1865 and 1890 the proportion of Negro artisans decreased as the result of the competition of white labor." (Frazier, *op. cit.*, p. 165.) There is quite a bit of literature on the displacement of Negro skilled workers. See especially, Charles H. Wesley, *Negro Labor in the United States*, New York: Vanguard Press, 1927; Spero and Harris, *op. cit;* Greene & Woodson, *op. cit.;* and Charles S. Johnson, *The Economic Status of Negroes*, Nashville: Fisk University Press, 1933.

it was worse, for above the Mason-and-Dixon Line, colored workers felt the keen and continuing competition of never-ending streams of European immigrants who effectively challenged their preeminence in domestic service and common laboring jobs. Occasionally, at the time of a labor dispute, black workers would be brought into industrial employment outside the South; after the strike was over, only a few remained so employed.

Even in this discouraging general situation, there were thousands of instances where Negroes had, by 1900, achieved decent standards of living. Concentration of large numbers of colored people in urban areas offered the basis for the growth of a professional and business class. Almost 2,000 physicians, several hundred dentists, about 750 lawyers, over 20,000 teachers and 15,000 ministers were reported among Negroes by the 1900 census. These professionals, living for the most part in the South,[7] were augmented by the small number of successful business men and white-collar workers to make up the emerging Negro upper class.

III

The Negro found his first real opportunity to become a functioning part of the nation's economy in World War I when there was a severe shortage of unskilled labor in industrial centers. Colored workers were employed in iron and steel, meat-packing, automobiles and associated industries. This time, as contrasted to their earlier sporadic migration, they came by the tens of thousands and established a permanent place for themselves in heavy industries in the North. In addition to jobs in factories, the Negro migrants entered domestic service, janitorial and common laboring jobs. By the end of the war, the black worker had become accepted as a part of the industrial reserve in the North. True, Negroes were mainly in unskilled work, but as in contrast to the South, there was no general system of wage differentials based on race in Northern industry (although such differentials did appear in the small establishments and service employment) and, in a few industries and some plants, Negroes were occasionally able to get into higher skills. Unlike the South, these more desirable employment patterns were based upon normal promotion rather than an inheritance from the slave era or a personal relationship with the boss.

Increased earnings, more diversified industrial employment, greater concentration of Negroes

[7] At the turn of the century, Philadelphia offered an exception. In 1890 it had the fourth largest colored population of any city in the nation, being exceeded only by Washington, Baltimore and New Orleans. There were about 40,000 Negroes in the city and a fourth were concentrated in the Seventh Ward, where there were 207 business men, 6 doctors, 3 dentists, an editor, 159 white-collar males and 263 skilled workers. Of the employed Negro males in the Seventh Ward, however, 45 per cent were common laborers and 34 per cent servants. (W.E.B. DuBois, *The Philadelphia Negro*. Philadelphia: University of Pennsylvania Press, 1899.)

in higher-wage Northern and Western cities, and postwar prosperity and expansion in the South gave impetus to further development of the Negro upper class. Not only did professionals increase in number, but they received much higher earnings. A part of these increases in numbers and income was due to greater urbanization; a part was due to the growing race consciousness which came during World War I.

This was the time when Negro "capitalists" were receiving acclaim. In the North, Jessie Binga typified the development of Negro enterprise and finance in Chicago's South Side. In Atlanta, Heman Perry, surrounded by extremely able lieutenants, blossomed forth from the Standard Life Insurance Company to establish several banks, real estate and construction companies, and other enterprises. In 1927, the 30 major Negro banks had total resources of almost $13,000,000.[8] New insurance companies were being established in the South, East, Middle West and Far West, at the same time that the older ones prospered and expanded. A few colored men and women were making "big money", through manufacturing beauty preparations, burying the dead "in a respectable manner", manipulating, selling and operating in real estate, and in associated fields.

Although little thought was given to the fact that Negroes had failed to penetrate manufacturing and wholesale business, figures reflecting the aggregate value of Negro-owned real property and retail business were widely circulated. As a matter of fact, the value of property and enterprise owned by Negroes was extremely small when compared to the totals for the nation. But the amount of wealth accumulated, while it resulted chiefly from urbanization and segregation, represented significant improvement over the holdings of an impoverished, almost entirely rural population at the end of the Civil War. Also, it offered the basis for wishful thinking in terms of a self-sustaining Negro economy.

IV

The depression hit the industrial North more quickly and with greater intensity than the less economically advanced South. In April 1931, for example, about a seventh of the Negro males and a twelfth of the Negro females in the North were unemployed; for whites, the proportions were a twelfth of the males and a twentieth of the females. There was, however, no racial differential at this date in the rates of unemployment in the South. But significantly, the greatest racial differentials in job displacement occurred in the very Northern industrial centers where Negroes had made the most significant economic gains during the postwar boom. And the situation deterior-

[8] Abram L. Harris, *The Negro as Capitalist*. Philadelphia: The American Academy of Political and Social Science, 1936. Appendix IV.

ated. By the late 1930's, twice as large a proportion of Negroes as whites were out of work in the nation. Cincinnati offered a striking example. In 1939, 12.8 per cent of the whites and 45.3 per cent of the Negroes were unemployed. In March 1940, the proportion of whites out of work in Philadelphia, Chicago, Detroit, and New York varied from 12 to 18 per cent; for Negroes the figures ranged from 30 to 39 per cent.[9] In 1940, while 68 per cent of white urban males were employed, only 59 per cent of all colored males in cities had jobs.[10]

Almost half the male Negro skilled workers were pushed out of usual occupations during the period 1930-1936. A third of those displaced went into unskilled jobs and over 17 per cent were without work. The relatively small number of colored artisans in the North was worse off than the larger number in the South.[11]

According to the estimates of the National Resources Committee, median family income of Negro non-relief Southern rural families in 1935-1936 was $480 compared to $1,100 for whites. In Southern cities of 2,500 or over, comparable figures were $525 for Negroes and $1,570 for whites.[12] So great was the incidence of relief in urban communities that income data of non-relief families have little significance unless they are read in relation to the high rates of unemployment among urban Negroes. The National Resources Committee estimated the median income of non-relief Negro families in Northern cities of 100,000 or more at $1,095 and of whites at $1,720.[13] Another government survey offers more detailed estimates for larger cities in 1935. In New York City, for example, 42 per cent of Negro families and 13.8 per cent of white families were on relief; 26.5 per cent of the Negro and 17.2 per cent of the white families earned less than $1,000; another 26.6 per cent of the Negro and 43.3 per cent of the white families earned from $1,000 to $1,999; while only 4.9 per cent of the Negro but 25.7 per cent of the white families had incomes of $2,000 or more. In cities of the South, while the proportion of Negroes on relief was smaller, varying from 15 to 40 per cent in the larger cities, an additional 70 per cent of the colored families earned less than $1,000, and in no Southern city reported did as many as 1 per cent of the Negro families earn $2,000 or more in 1935.[14] Even in the North fewer

[9] Richard Sterner, *The Negro's Share*. New York: Harper and Bros., 1943, pp. 41 and 43.

[10] *Ibid.*, p. 45.

[11] Robert C. Weaver, *Male Negro Skilled Workers in the United States*, 1930-1936. Washington: Government Printing Office, 1939, p. 17.

[12] National Resources Committee, *Consumer Incomes in the United States: Their Distribution in* 1935-1936. Washington: Government Printing Office, 1938, p. 28.

[13] *Ibid.*

[14] U. S. Public Health Service, *The National Health Survey*: 1935-1936. Washington: Government Printing Office, 1938 (cited by Sterner, *op. cit.*, pp. 371-72).

than one out of 20 Negroes in metropolitan centers earned $2,000 a year or more; in smaller cities, the number was less than one out of 65.

The proportion of Negroes in manufacturing grew from 6.2 per cent in 1910 to 7.3 per cent in 1930. By 1940, it was at a new low, 5.1 per cent. Save in domestic service, colored workers suffered similar losses in other types of employment. In 1940, they were 6.4 per cent of the total in shipbuilding, 5.5 per cent in iron and steel, and only 3.6 per cent in automobiles, 2.4 per cent in nonferrous metals, 2.3 per cent in apparel, 2.1 per cent in rubber and 0.5 per cent in electrical machinery. Most of the relatively slight occupational advancement made by colored workers in the war and postwar periods was lost in the depression.

With such declines in employment and income in the Negro community, colored professional and business groups suffered privation, too.[15] Chicago offers an excellent case history. During the depression, Negroes, who made up only 8 per cent of the city's population, constituted 22 per cent of the unemployed. About one-third of skilled and semi-skilled workers among Negroes were out of jobs; a fourth of the clerical, unskilled and service workers were in the same category. Unemployment among Negro clerical, skilled and semi-skilled workers was three times as intense as among whites; for unskilled and service workers it was twice as great. While only 15 per cent of the Negro professional and proprietary persons in Chicago were out of work, this was five times as large as the 3 per cent of whites in the same occupational classes who were unemployed.[16]

Depression also brought the C.I.O. and the New Deal. The new unionism of the C.I.O. greatly increased the number of colored workers in organized labor, serving to modify favorably the attitude of the Negro community toward trade unions. No less important for the future was the New Deal. Direct and work relief supplied temporary jobs, enabling a large number of Negroes to retain work habits and a minimum of health. N. Y. A. and C. C. C. offered training and subsistence for Negro youth. N.R.A. weakened racial wage differentials, supplementing subsequent liberal labor legislation and effective labor organization to reduce and, ultimately, remove the threat of strike-breakers, while P.W.A. reintro-

[15] For estimates of earnings in this group, see Charles S. Johnson, *The Negro College Graduate*. Chapel Hill: University of North Carolina Press, 1938, and Carter G. Woodson, *The Negro Professional Man and the Community*. Washington: The Association for the Study of Negro Life and History, 1934.

[16] St. Clair Drake and Horace R. Cayton, *Black Metropolis*. New York: Harcourt, Brace and Co., 1945, p. 217. Interestingly enough, the depression revived and revitalized the movement for the development of a segregated economy. See Drake and Cayton, *op. cit.*, pp. 436-37 and Harris, *op. cit.*, pp. 179-82.

duced Negro skilled workers on construction.

V

A million colored workers entered civilian jobs between 1940 and 1944. The number of Negroes employed in skilled jobs doubled, as did the number of single-skilled and semi-skilled colored workers. As a consequence, while male and female Negroes, respectively, constituted 2.6 and 2.2 per cent of the skilled workers in the nation in 1940, they were 3.6 and 5.2 per cent in 1944.[17] These workers entered new industries and plants, where prior to World War II, few, if any had been employed, thereby effecting in a period of a few years, more industrial and occupational diversification for Negroes than had occurred in 75 preceding years.

> Only in World War I, when colored workers made their first real entrance into the labor market of industrial centers, had anything approaching [this] taken place. But in the earlier period, the changes were in conformity with the occupational color-caste system. Much of what happened between 1940 and 1945 was contrary to the accepted pattern of Negro employment and is significant, largely, because of this departure from older practices. For the war gave many Negroes their first opportunity to demonstrate ability to perform basic factory operations of skilled, single-skilled and semi-skilled types in a wide variety of industries and plants. It also permitted some Negroes to work alongside white workers in many individual establishments on the basis of industrial equality.[18]

The break with the past was not, of course, complete. Negroes remained concentrated in lower-paid domestic and common laboring jobs, and in dirty types of production, such as iron and steel and slaughtering. Yet, there were significant gains. Colored workers partially reestablished themselves as building trades artisans and far exceeded their earlier position in shipbuilding and automobiles. They broke through the stubborn color bar in aircraft and got a foothold in other light, clean industries, such as electrical goods and machinery. In all war industries, Negroes entered semi-skilled operations on production as well as common laboring and service jobs. In meat packing, automobiles, and to a lesser degree, iron and steel, Negroes were upgraded into skilled work.[19] First in government and subsequently (to a lesser degree) in industry, Negroes received a larger share of the white collar and professional occupations which loom so important in our economy. As in World War I, the greatest gains were made outside the South, extending, in World War II, to the West Coast.

Even after the war was over, there were indications that many of the advances achieved during the early 1940's were holding over into peacetime production. In April 1947, for example, the broad occupational distribution of employed Negroes closely resembled the wartime picture.

> Reconversion of industry to peace-time activities brought no major downgrading in

[17] Weaver, *Negro Labor*, pp. 80-1.
[18] *Ibid.*, pp. 78-9.
[19] Weaver, *op. cit.*, Chap. 16.

the occupational composition of the Negro workers. This is especially significant in view of the concentration of wartime employment advances of Negroes in those occupations, industries, and areas in which the postwar readjustment was most severe. Essentially, the maintenance of high labor demand during the transition period enabled these workers to hold on to many of their wartime gains.[20]

According to the Department of Labor, 450,000 more Negro women were in the labor force in 1947 than in 1940. The proportion of gainfully employed Negro women on farms declined from 21 to 7 per cent. While in 1940, about 70 per cent of employed Negro women were in domestic service, by 1947 the proportion was less than 50 per cent. On the other hand, the proportion of Negro women in semi-skilled jobs had more than doubled and the proportion in clerical and sales capacities nearly tripled.[21] Dr. Joseph R. Houchins of the Bureau of the Census estimates that one out of every ten workers on machine jobs is a Negro, although Negro males still constitute 64 per cent of male domestics and 25 per cent of the common laborers. In New York City, where in 1940 three-quarters of employed Negro females had been in domestic service, only one-half were so concentrated in 1947. The proportion of Negro women in semi-skilled jobs increased from 16 to 31 per cent of the Negro females in the labor market. Similar trends were revealed for Negro males, among whom the proportion in service occupations declined from 40 to 28 per cent, the proportion in the crafts increased 25 per cent and that in semi-skilled work increased 50 per cent.[22]

As recently as January 1948, it appeared that wider industrial and occupational diversification was offering some protection to Negroes against disproportionately high rates of unemployment. The Census Bureau estimated at that time that 5.2 per cent of non-white males and 3.5 per cent of white males together with 3.8 per cent of non-white females and 2.9 per cent of white females were unemployed.[23] While the general rates of unemployment and those for

---

[20] Seymour L. Wolfbein, "Postwar Trends in Negro Employment", *Monthly Labor Review*, De, 1947, pp. 664-65.

"The whole industrial history of minority groups in the nation indicates that once a discriminated group gets its members into better and new types of jobs, *some of them remain in those occupations*, becoming the beachhead from which subsequent participation of additional members of the group is projected in the next period of boom . . . The longer their period of employment in new areas, the stronger their position. Because reconversion was accomplished without the serious dislocations which many expected, the Negro has had a chance to consolidate some of his wartime gains, and in many industries and firms where he had long been employed and was upgraded for the first time during the war, he has accumulated quite a bit of seniority. Two factors have favored him: since he did not have access to some of the better, but temporary war jobs, he often stayed in the plant where he had worked before the war, and his widespread participation in labor unions in recent years means that seniority will yield job security." (Robert C. Weaver, *The Negro Ghetto*. New York: Harcourt, Brace and Co., 1948, p. 135.)

[21] "Negro Women in Work Force Increase 450,000 in 7 Years", *Labor Information*, F, 1949, p. 17.

[22] "Negroes in New York City: Occupational Distribution, 1946-47", *Monthly Labor Review*, Ja 1949, p. 57.

[23] U.S. Bureau of the Census. *Current Population Reports, Population Characteristics*, Series P-20, No. 9. Washington: U.S. Government Printing Office, 1948, p. 2.

Negroes have increased since that date, there are reasons for believing that postwar occupational patterns will offer the Negro greater security.

Even if we have another major depression, the Negro will not suffer the same disproportionate degree of displacement as was his fate in the Great Depression. His position in the whole economy is less marginal than in the post-World War I period of prosperity, and he has the important protection of much greater industrial, firm and occupational diversification. This is not to say that colored people will not, as always, experience discriminatory unemployment in the next period of economic decline; it is to assert that they should not be as hard hit and that their rates of unemployment will probably not be as disproportionately higher than the total as before. . . . a much larger number and proportion of colored Americans are in jobs that stand up better during a depression than was true before the last war.[24]

Where there has been a violent and rapid reconversion, as on the West Coast, Negroes have felt the effects with real intensity.[25]

. . . the bulk of the Negro labor reserve [in the San Francisco Bay area] is made up of unskilled workers who are competing for jobs in a highly skilled area. This lack of skill has coincided with a concentration of unemployment in unskilled jobs. Not only do lack of skill and industrial experience accentuate unemployment trends, but employer attitudes are affected adversely if unskilled Negroes employed are inefficient or unstable.[26]

In Northern and Western industrial centers, where there is less emphasis upon skilled labor and a more highly trained and industrially experienced labor supply, the principal postwar problem facing Negroes has not been major losses of wartime gains but *cessation of economic integration and upgrading as well as gross discrimination against younger workers and other recruits to the labor market.* Occupational gains in the South were much less than elsewhere during World War II, and the color occupational system remains entrenched and unchallenged in the region save in a few outstanding instances, as at International Harvester in Memphis. To meet these problems, some eight Northern states have established FEPC machinery, and minorities and liberals are clamoring for a Federal FEPC.

Of the estimated 15,000,000 members of labor unions, about 1,000,000 are Negroes. In the wake of war production, C.I.O. unions which announced dedication to non-discrimination had to establish machinery and take action to translate statements of policy into

[24] Weaver, *The Negro Ghetto*, pp. 135-36.

[25] "The four-fold increase in the Bay area's Negro population created special post-war adjustment problems as war migrants were concentrated in war industries at skills which were not readily transferrable in the post-war economy. Consequently, in spite of post-war full employment, the unemployment rate among Negroes has reached pre-war proportions. Nevertheless, many war-time gains have been retained and Negro employment patterns are still in the formative stage in many firms and industries." (Lawrence A. Maes, *A Survey of Post-War Negro Employment Patterns in the San Francisco Bay Area.* Berkeley: Unpublished manuscript, 1948, p. 35.)

In order to understand the implications of this statement, it should be noted that "in spite of heavy lay-offs in defense industries following termination of the war, the total number of Negroes employed in the Bay area is greater than at the war-time peak reached in 1943-1944. The high unemployment rate among Negroes in the area is, then, at least partly attributable to the continued immigration of Negroes." (*Ibid.*, p. 114.)

[26] *Ibid*, p. 113.

something approaching reality. Many A. F. of L. unions, which discriminated against Negroes openly, were forced to accept colored members and issue work permits to minority groups workers. The new situation is reflected in the fact that, after twenty years of unsuccessful prodding from the outside, in 1949 the Federation at long last officially recognized the existence of racial discrimination in affiliated bodies. While the Railroad Brotherhoods continue, for the most part, to exclude Negroes from highly skilled work and a decreasing number of A. F. of L. unions discriminate against Negro skilled workers, organized labor, as a whole, has become an economic and political ally of the black worker.

Again, the San Francisco Bay Area offers an insight into what has happened since 1940. The area is interesting because, unlike Detroit, for example, A. F. of L. and not C. I. O. dominates the labor market. A survey of 33 A. F. of L. locals revealed the following results: before World War II they had 860 Negro members, at the wartime peak 29,314 and in 1948, 7,670.[27] In 1948, there were 18,953 Negro members in the 163 A. F. of L. unions of the area, constituting 9.6 per cent of the total. Most of the Negro members were concentrated in a few locals, predominantly unskilled in coverage. Of the total C.I.O. membership of 53,005 in the unions covered, 7,519 were Negro. Here again concentration was in a few locals and involved unskilled workers for the most part.[28]

The gap between the earnings of Negroes and whites is slowly closing.[29] For the United States as a whole, median family income for whites in 1948 was estimated at $3,810. For non-whites (of whom 95 per cent are Negroes) the figure was $1,768. In urban areas corresponding figures were $3,694 for whites and $2,172 for non-whites; rural averages were $2,235 for whites and $942 for Negroes. Both extremes of the distribution are revealing. Only a tenth of urban white families earned less than $1,500 per year, almost a third non-whites did. Slightly less than a fourth of the white urban families earned from $1,500 to $2,999, while four-tenths of the non-whites fell in this interval. Four-tenths of urban white and one-fifth urban non-white families received from $3,000 to $4,999, and over a quarter of the white and a twelfth of the non-whites had $5,000 or over.[30] Lowest earnings are in the South, and Negro agricultural workers earn, on the average, much less than other Ne-

---

[27]Fred Stripp, *The Relationships of the San Francisco Bay Area Negro-American Workers with the Labor Unions Affiliated with the A.F. of L. and CIO.* Berkeley: Pacific School of Religion (an unpublished Ph.D. dissertation.), 1948, pp. 281-82.

[28]Maes, *op. cit.*, pp. 75-8.

[29]For a summary and interpretation of data reflecting wartime and postwar changes in the earnings of Negroes, see Weaver, *The Negro Ghetto*, pp. 125-34.

[30]U.S. Bureau of the Census, *Current Population Reports: Consumer Income*, Series P-60, No. 6. Washington: Government Printing Office, 1950, p. 16.

groes, but the number and proportion of Negro farm laborers has greatly declined in recent years.[31]

Despite significant wartime gains, over four-tenths of urban and rural non-white families earned less than $1,500 in 1948 (11.1 per cent received under $500). While prosperity in agriculture has brought higher earnings and better living to rural Negroes, as recently as 1948 over half non-white rural families earned less than $1,000 a year, and an additional sixth earned less than $1,500. In our cities, despite the economic privation of the lowest-paid third of the Negro population, about one-half of the residents have something approaching an adequate economic base, and there is a growing number of Negro families which can afford decent standards of living. This stands in striking contrast to the situation in 1935 when, in our larger metropolitan centers, less than five per cent of Negro families earned $2,000 or more (as contrasted to about 25 per cent of white families) and in smaller cities the figure ranged from one to two per cent. Today, over 8 per cent of urban Negro families earn $5,000 a year or more.

Two trends appear in Negro-controlled enterprise. As in the post-World War I boom, the greatest advances are being made in those businesses, undertaking, insurance, publishing, beauty culture, and the like, which serve a segregated community. At the same time, a few individual Negroes are branching out into the larger economy, where they are manufacturing chemicals, medical supplies, constructing large buildings and roads and doing scores of other things. The tragedy in this situation is that in 1950, when the well-trained Negro is ready to compete effectively in most fields and is finding unexpected opportunities in governmental, educational, and professional callings, the American economy is less receptive to the new enterpriser than it has ever been before. Much of the real business talent, therefore, is shunted off into shady enterprise as typified by policy.[32]

---

[31]Between 1910 and 1940 about 1,750,000 Negroes moved out of the South, and the migration was accelerated by World War II. Thus, between 1940 and 1947, the proportion of Negroes in the South declined from 74.4 per cent to 63 per cent of all Negroes in the nation. While Negroes were 21 per cent of the region's farm laborers in 1940, they are only 16 per cent today.

[32]See Drake and Cayton, *op. cit.*, chapters 17, 18, and 19. A recent study of American business leaders offers interesting evidence of the importance of social background and family contacts in the achievement of top-flight success. Not only were no Negroes included among the American business elite, but all other minority ethnic groups, save one, remained unrepresented. Although Jews were only slightly over one per cent of the population in 1900, they had about 3 per cent of the top business leadership.

"None of these six Jews [in the business elite], however was in a non-Jewish firm. All attained the high positions that make them eligible . . . [for such status] . . . not only in Jewish enterprises but in those started by their fathers or other relatives . . . Among [the other] absent minorities . . . there appears to have been no one as yet to affirm that their normal lower class goals could be transcended, no one to serve as a model for their sons' or their compatriots' aspirations, and, perhaps most important, no one to serve as the direct instru-

Now that the number and proportion of Negroes above the subsistence level is increasing, colored consumers should be able to compete more effectively for goods and services. Where such goods and services are not freely available to them in the market, that deficiency in our economy becomes all the more glaring and inconsistent with the promises of a free enterprise system. It is for this reason that enforced segregation takes its place with continuing discrimination in employment as a principal impediment to the Negro's attainment of full and equal economic status. The most economically oppressive expression of this negation of a competitive society is residential segregation.

---

ment of their ascent." (William Miller, "The Recruitment of the American Business Elite", *Quarterly Journal of Economics*, May 1950, pp. 245-6)

"If it be true, as leading American businessmen and leading American historians continue to assert, that, so to speak anyone can become president of large business firms, it appears to be true also that at least in the early twentieth century most of the successful aspirants had certain social characteristics that distinguished them sharply from the common run of Americans of their time. Such distinguishing characteristics may have been less marked among American business leaders in the first half or three-quarters of the nineteenth century, though too little is known about that period to generalize with safety. In the bureaucratic twentieth century, however, many of these characteristics were so prevalent among the business leaders, and so rare among the rest of the population, that the presumption, at least, is strong that they constituted genuine advantages in the competition for business eminence." (*Ibid.*, p. 253.)

NAIRO Reporter

Vol. I No. 5 July, 1951

Events and Trends in Intergroup Relations

Published monthly except August and September by the
NATIONAL ASSOCIATION OF INTERGROUP RELATIONS OFFICIALS

P.O. Box 275, Cathedral Sta., New York 25, N. Y.
Telephone: MUrray Hill 5-1606

State Civil Rights Legislation in 1951 Sessions

NEW FEPC EXECUTIVE ORDER URGED

President Truman Gets Plea of Labor, Civic, Religious Leaders

Anniversary of Roosevelt FEPC Order Observed Over Nation

On the eve of the 10th anniversary of the promulgation in 1941 of the late President Roosevelt's Executive Order establishing the World War II Fair Employment Practice Committee, the heads of 16 major national religious, labor, civic and veterans organizations joined in an appeal to President Truman to "issue an Order establishing a new FEPC to assure to every American, regardless of race, religion or national origin, an equal opportunity to contribute his utmost skills and talents to the production of the tools and weapons so urgently needed by our armed forces, and to demonstrate to the peoples of the world that the United States is the exemplar as well as the exponent of democracy."

The appeal which was wired to the President yesterday was signed on behalf of their respective organizations by Patrick Murphy Malin, *Executive Director,* American Civil Liberties Union; Francis Biddle, *Chairman,* Americans for Democratic Action; William Green, *President,* AFL; Jacob Blaustein, *President,* American Jewish Committee; Rabbi Irving Miller, *President,* American Jewish Congress; Judge Meir Steinbrink, *Chairman,* Anti-Defamation League of B'nai B'rith; Michael Straight, *Chairman,* American Veterans Committee; Harold Russell, *National Commander,* Amvets; Philip Murray, *President* CIO; Adolph Held, *President,* Jewish Labor Committee; Henry Albert, *National Commander,* Jewish War Veterans; Walter White, *Secretary,* NAACP; Irving Kane, *Chairman,* National Community Relations Advisory Council; A. Philip Randolph, *Co-chairman,* National Council for a Permanent FEPC; Lloyd K. Garrison, *President,* National Urban League; Rabbi Bernard J. Bamberger, *President,* Synagogue Council of America.

The telegram to the President highlighted observances being held in a number of communities in commemoration of the 10th anniversary of the issuance of President Roosevelt's historic Executive Order 8802.

At Hyde Park, N. Y., representatives of more than a score of organizations participated in a solemn ceremony at which a wreath was placed on the late President's grave by A. Philip Randolph, international president of the Brotherhood of Sleeping Car Porters, and a prime mover in the public demand which gave rise to the issuance of Executive Order 8802. (See cut)

In a moving address, Mrs. Eleanor Roosevelt, wife of the late President, urged the assembled delegates to intensify their efforts to establish equality of opportunity for all Americans without regard to race, creed or national origin. Racial and religious discrimination is no longer a problem of purely domestic concern but an issue of "profound international significance," she declared.

Mayor Vincent Impellitteri proclaimed Fair Employment Day in New York City. The N.Y. City Council unanimously adopted a resolution memorializing President Truman to create a new federal Fair Employment Practices Commission. Similar proclamations and resolutions were promulgated by a number of other mayors and city governments.

In a proclamation designating June 25 as Fair Employment Day in Illinois, Governor Adlai E. Stevenson declared that "In this period of national emergency, our state and

(*Continued on page 6*)

After placing a wreath on the grave of the late President Franklin D. Roosevelt at Hyde Park, N. Y. Left to right: A Philip Randolph, international president, Brotherhood of Sleeping Car Porters; Mrs. Herman B. Levine, National Council of Jewish Women; Mrs. Eleanor Roosevelt; Walter White, secretary, NAACP; Rev. Garry Oniki, Protestant Interracial Church.

FEP Legislation

So far, Colorado is the only state to have passed an FEP law in 1951. (See *NAIRO Reporter,* No. 2). In addition, the California legislature passed a bill making it unlawful for employers or labor unions to refuse to accept otherwise qualified employees as apprentices on any public works projects solely on grounds of race, creed or color. It was on the Governor's desk for signature when this issue of *NAIRO Reporter* went to press. An FEP bill which would have set up an FEP Commission and a substitute bill limiting itself to a declaration of public policy directed against discrimination in employment were killed in California legislative committees. A resolution to create an interim committee to study employment discrimination in the state was still pending at press time.

Attempts to pass FEP laws were unsuccessful in fourteen other states. The outcome in nine of these states already has been described in *NAIRO Reporter,* Nos. 2 and 3. These states are: Arizona, Illinois, Indiana, Kansas, Minnesota, Montana,

Nebraska, Utah and West Virginia. To these states, the following should be added:

Michigan, where an FEP bill failed to receive a constitutional majority in the State Affairs Committee; Ohio, where a substitute FEP bill which would have decentralized enforcement by setting up county employment practices boards was adopted by the House by a margin of 101 to 19 but died when the Senate in a dramatic night session defeated by 13-13 a motion to set aside the rules and take up the House bill; Delaware, where the legislature adjourned without considering the bill; Iowa, where both FEP bills introduced in the legislature died in Committee; and Wisconsin, where a bill to add enforcement provisions to an existing FEP law was killed in the Senate Labor Committee.

FEP legislation is still pending in the following states:

Missouri: Hearings on the bill mentioned in *NAIRO Reporter,* No. 1, are still in progress at press time.

Pennsylvania: On May 23, the House of Representatives passed House Bill No. 15 (see *NAIRO Reporter,* No. 2) by a vote of 160 to 38. The bill was sent to the Senate where it was referred to the Committee on Judiciary General which had the bill under consideration at press time.

Two states amended FEP laws which they had adopted in previous years. *Connecticut* changed the name of the commission enforcing the law from Interracial Commission to Connecticut Commission on Civil Rights. The change took effect May 2, 1951.

Rhode Island, by an amendment adopted May 1, 1951, provided that employers may make inquiries relative to, and keep records of, the race, color, religion or country of ancestry or origin of an individual after the person is actually hired and has commenced employment. Employers are still barred from making such inquiries or keeping such records prior to hiring.

Education

It has been reported in previous issues of *NAIRO Reporter* that *New York* passed a law extending the applicability of the fair educational practices law to business and trade schools (see No. 2); and that under a law adopted in *Oregon,* vocational, professional and trade schools are prohibited from discriminating in admissions or instruction against any person on the ground of such person's race, color, religion or national origin (see No. 3). The latter law also provides that a school violating the law may have its license suspended or revoked by action of the state licensing agency.

In addition, *Arizona* amended its education law (which previously had made segregation of Negroes in public elementary schools mandatory) to empower local school boards to establish unsegregated public elementary schools in their districts.

The Senate of *New Mexico* adopted a resolution asking all state school authorities "to improve the segregated schools attended by colored pupils toward the end that until such segregation disappears the pupils attending those schools may have as happy and as profitable school duties as other children." In the same resolution, the Senate memorialized the state school authorities to cease segregating Spanish-speaking students.

In *California,* Assembly Bill No. 1756, introduced January 18, would have made it illegal to refuse enrollment in a public or private business, vocational or professional school on the ground of the race of an applicant. The bill was killed in Senate committee.

In *Connecticut,* the Senate on May 23 unanimously passed a fair educational practices bill, but the General Assembly adjourned June 6 without the House having taken any action on the bill.

The increasing legal attack on racial segregation in public schools in the South as a result of recent decisions of the United States Supreme Court has moved defenders of segregation to devise means to counteract the impact of these decisions in a way which they hope will withstand scrutiny as to their constitutionality. *Georgia* included in its appropriation law a clause stipulating that public funds must be withheld from white schools which admitted a Negro student as a result of a court order (see *NAIRO Reporter,* No. 1). The *Florida* legislature passed a similar measure which Governor Fuller Warren vetoed. In *South Carolina,* a law was passed permitting school district trustees to sell or lease school buildings to private organizations or institutions. (The "equal protection" clause of the Fourteenth Amendment on which the recent court decisions barring racial segregation in graduate schools were based applies to state-maintained schools but not to private schools.)

In *Missouri,* the House on June 6 approved and sent to the Senate a bill which would require the city of St. Louis and all counties to vote at the general elections in 1952 on the issue of separate schools for Negroes and whites. Separate schools would be abolished in St. Louis or any county where a majority of votes are cast against separate schools. Under the bill, the question of separate schools may be re-submitted to the voters of each county at any subsequent general election upon petition of eight per cent of the voters. This bill is a substitute for a previous bill which would have barred segregation of Negroes in all public schools. The failure to adopt that bill was reported in *NAIRO Reporter,* No. 2.

Housing

In *Wisconsin,* a bill which would repeal the state law dealing with racial restrictive covenants was passed by the Senate on June 7 after having been adopted by the Assembly. The bill is now awaiting signature by the Governor. Wisconsin has been the only state to give statutory recognition to such covenants. (The United States Supreme Court, in 1948, declared racial restrictive covenants unenforceable by state action.)

Public Accommodations

The enactment of a law in *Maryland* which abolishes racial segregation in public transportation has already been reported (*NAIRO Reporter,* No. 1).

The bill introduced in the legislature of the State of *New York* which would have given the State Commission Against Discrimination jurisdiction over discrimination in places of public accommodation (see *NAIRO Reporter,* No. 1) failed to pass.

A bill broadening the civil rights law of *Wisconsin* has been passed by both houses of the Wisconsin legislature and sent to the Governor for his signature. The existing law prohibits places of public accommodation (hotels, restaurants, etc.) from discriminating against any person on the ground of his race or color; the amendatory bill extends this ban to cover discrimination based on creed, national origin or ancestry. In addition, the amendment makes it illegal for places of public accommodation to issue statements to the effect that any of the facilities of such places will be denied to any person on account of his "race, creed, national origin or ancestry or color," or that the

patronage of any such person is unwelcome, objectionable or not acceptable.

Miscegenation

Oregon passed a law repealing a statutory prohibition on intermarriage between whites, on one hand, and Negroes, Mongolians and Chinese, on the other hand. Oregon thus became the nineteenth state without any statutory restriction on the right to marry based on racial grounds.

A *California* bill which would have repealed that state's statute prohibiting racial intermarriage was defeated. It is noteworthy that the law against racial intermarriage which thus remains on the statute books of California was declared unconstitutional by the California Supreme Court in 1948.

Anti-Mask and Other Legislation

Following the lead of *Georgia* (see *NAIRO Reporter,* No. 2) and *South Carolina* (see *NAIRO Reporter,* No. 3) *Florida* passed a law outlawing cross-burnings and the wearing of masks. The law received Governor Warren's signature on May 8, 1951.

Legislative measures against the poll tax adopted in *South Carolina* and *Tennessee* were reported in *NAIRO Reporter,* No. 1. South Carolina's anti-lynch bill (see *Reporter,* No. 2) has become law.

In *California,* Assembly Bill 25, which is an amendment to the Motor Vehicle Liability Insurance Act, would prohibit insurance companies from charging a person a higher insurance rate for motor vehicle liability insurance because of his race or color. Violators would be liable in damages for an amount not exceeding $100. Other bills pending at press time would improve the situation of aliens of Japanese ancestry. Senate Bill 734 would make the State Old Age Pension Law applicable to aliens who are ineligible for citizenship. (This description covers aliens of Japanese ancestry.) Assembly Bill 1967 would reduce the license fee for sport fishing for aliens from $25 to $10, which is the rate at present in effect for non-residents. Assembly Bill 1582 would reinstate licenses for sale of liquor previously held by Japanese-Americans and revoked by the State Board of Equalization since 1941.

In *California,* Assembly No. 1902, which would have created a commission on political and economic equality (see *NAIRO Reporter,* No. 1) was killed in committee by a close vote (9-8) on May 9, 1951. Still pending is a resolution which would establish a legislative committee to study discrimination against minority groups.

Oregon passed a law repealing a ban on the sale of liquor to Indians.

Toward Racial Integration in the Armed Forces

It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion, or national origin.

So, in part, reads Executive Order 9981 of July 26, 1948. The Order also created a President's Committee on Equality of Treatment and Opportunity in the Armed Services, authorizing it "to examine into the rules, procedures, and practices of the armed services in order to determine in what respect such rules, procedures, and practices may be altered or improved with a view to carrying out the policy of this order."

Nearly two years later, the Committee, having completed its work, submitted a report. It said regarding the three major services:

Navy: "The Committee was satisfied that in 1949 the stated Navy policy on utilization of Negro personnel was, on the whole, a good one." Investigation proved to the Committee's satisfaction that this stated policy was being conscientiously carried out, on the whole. The Committee made some further recommendations which the Navy accepted.

"The experience of the Navy seemed to the Committee," says its report, "to answer rather conclusively the two basic questions which had always been raised about the utilization of Negro personnel: Can Negroes be effectively employed in as wide a range of skills as whites? Can the races be integrated on the job, in barracks and mess, without impairing morale and service efficiency? The Navy had found that unless Negroes were trained and utilized according to their individual capacities, wastage of manpower resulted, . . . made inevitable by segregation. The Navy had also found that Negro and white sailors would work together, eat at the same messes and sleep in the same quarters without trouble."

Air Force: Based on its own earlier studies, which had led to conclusions somewhat like the foregoing regarding the Navy, and under the prodding of the President's Committee, the Air Force in November 1948 announced the following policy:

1. Abandonment of all racial quotas for enlistment and selection for service schools.
2. Opening of all occupational specialities to qualified personnel on the basis of ability without racial restriction.
3. Enlistment, school attendance, assignment to duty and promotion on a basis of individual merit and ability according to prescribed standards.

By mid-January 1951, when the Committee's staff made an investigation of seven Air Force bases, it found that these policies had been put generally into practice. Integration was substantially complete. Commanding officers reported their fears of trouble had not been borne out by experience. Although Air Force policy had not been extended to recreational facilities, which had been left to the discretion of individual commanding officers, it was noticeable that a marked development toward sharing of facilities had begun.

Navy and Air Force experience, the Committee concluded, had demonstrated that

1. The range of individual Negro abilities is much wider than the services had assumed prior to the opening of all jobs in the Navy and Air Force.
2. Given sufficiently high enlistment standards, it does

"We hold these truths . . ." (but not Mr. Mims)

Georgia State Representative Bush Mims holds that no person who does not believe in segregation of the races should be allowed to work for the state. He has asked the state attorney general's office to draft a bill requiring all state employees to subscribe to an oath upholding segregation. Representative Mims is the stalwart defender of the right who publicly denounced a state welfare department official as a "Red" recently because she had signed an FEPC petition. Another member of the Georgia legislature, Representative John C. Durham, has joined Mims in endorsing the Jim Crow loyalty oath.

not follow that only a "relatively small percentage" of Negroes will be able to meet the competition of whites.

3. The services can not afford to waste these potential Negro skills.

4. There will be wastage and malassignment of manpower under segregation because there is no assurance that individual Negro skills can be, or will be, utilized in racial units.

5. Integration of the two races at work, in school, and in living quarters did not present insurmountable difficulties. As a matter of fact, integration in two of the services had brought a decrease in racial friction.

6. The enlisted men were far more ready for integration than the officers had believed.

7. The attitude of command was a substantial factor in the success of the racial policies of the Air Force and the Navy.

Army: The Army proved more deeply committed to policies of segregation than either of its sister services. In 1946, a special Army board of general officers, after study, had recommended the retention of segregation and of enlistment quotas, while advocating some expansion of opportunities in assignments previously closed to Negroes. When the President's Committee surveyed the situation in 1949, it found a large number of Army jobs still closed to Negroes, certain Army schools likewise closed to them and others limited to strict quotas. The Committee recommended in May 1949 that the Army:

1. Open up all jobs to qualified personnel without regard to race or color.

2. Open up all Army schools on the same basis.

3. Rescind the policy restricting Negro assignments to segregated units and overhead installations.

4. Abolish the racial quota.

The Army adopted these recommendations piecemeal between January and March 1950. The Committee recognized that full implementation would take time.

One year later—in March 1951—the three services individually reported that progress toward racial integration had been "more than satisfactory." The Army said it had achieved complete integration in its training centers; although some combat units were still segregated, replacements tended to be assigned without regard to color. Statistics released at the same time showed the Army had 11.7 per cent Negroes among enlisted men, 2.1 per cent among officers; the Air Force percentages were 5.6 for enlisted men and 0.6 for officers; the Navy, with 3 per cent Negroes in the ranks, had 19 Negro officers.

The harsh necessities of war in Korea were credited with accelerating the trend toward integration in combat units. Casualties had to be replaced and there was no time to match colors. Negro officers occasionally found themselves in command of white troops. Negro chaplains ministered to the spiritual needs of troops without regard to color. Reporters for metropolitan newspapers cabled home stories acclaiming the successful integration of the races in combat organizations.

At just this juncture, Thurgood Marshall, NAACP Special Counsel, charged after a personal on-the-spot investigation that large numbers of Negro troops had been "the victims of racial discrimination still prevalent within the Army, at least in the Far East Command." Marshall charged that many Negro soldiers had been court-martialed and convicted on flimsy evidence and sentenced with a severity out of all proportion to the punishment imposed on white soldiers convicted for similar infractions. Moreover, the NAACP counsel declared that "in Japan, Negroes are completely excluded from the General Headquarters Regiment; there were no Negroes in the Honor Guard for the Supreme Commander General Douglas MacArthur. There was complete segregation within the Army in Japan. This stood out in bold relief against the policy of complete integration of the races in the Air Force and the Navy in the Far East Command."

In an interview with a reporter for the Pittsburgh *Courier* shortly after, General MacArthur disavowed any responsibility for the segregation in his command observed by Mr. Marshall, declaring that policy in this regard was made in the War Department, and that he used troops as they were supplied to him—in segregated units or otherwise. This evoked retorts from Walter White and Mr. Marshall, who cited the President's Executive Order 9981 as evidence that "General MacArthur had complete authority to break down segregation with one stroke. . . ." Mr. Marshall observed that less than two blocks from the completely white staffed Army headquarters in Tokyo was Army Air Force headquarters, in which "Negroes are integrated from top to bottom."

Meanwhile, Army practice appeared to be following a contradictory course back home. In April 1951, a reporter for the Pittsburgh *Courier* wrote from Camp Ruckner, Alabama, that the post complement—the personnel which operates the installation—was completely integrated, about 30 per cent Negro, without any evidence of discrimination in assignment, promotion, or other treatment. But, incongruously, the training units on the post were strictly segregated. The writer also remarked on the expressed loneliness of one of the three Negro officers on the post—two dental officers and a chaplain. And he stressed the Jim Crow treatment of Negro servicemen in nearby towns, and the alleged brutality of local police officers and even military police in handling Negro soldiers. In subsequent articles, the same reporter characterized the policy regarding racial segregation at Camp McCoy, Wisconsin, as "the vilest in the United States," and noted that at Fort Devens, Mass., "in the reception center and in the operation of the camp, racial integration is complete," while on the other hand "complete racial segregation exists in the form of six all-Negro outfits."

In Congress, Southern members sought unsuccessfully in 1950 and again in 1951 to kill the anti-segregation policy in the armed forces by proposing legislation to give drafted men the right to demand assignment to units comprising members of their own race only.

Just before the present article was prepared, two authoritative statements regarding integration in the armed services were published. On May 23, Congressman Jacob K. Javits (R., N. Y.) released a summary of advances made by the Army toward the utilization of Negroes. The report, Mr. Javits said, demonstrated that the Army had "endeavored conscientiously to carry forward the principles laid down by the President. . . ." Almost simultaneously, writing in the May 1951 issue of the *Annals* of the American Academy of Political and Social Science (see "In the Recent Literature," this issue), E. W. Kenworthy, who had served as executive secretary of the President's Committee on Equality of Treatment and Opportunity in the Armed Forces, said "to put it bluntly, the Army has not carried out the policy it agreed to. . . . After basic training, the Negroes are once again segregated."

Here and There:

A licensed Negro merchant marine officer, who charged that he had been fired because of his color, has been awarded $4,000 in back pay—the largest financial settlement ever arranged in the six-year history of the New York State Commission Against Discrimination. The award was part of a conciliation agreement, whereby the employer, a corporation, agreed to issue written instructions explaining the requirements and objectives of the New York State Law Against Discrimination; to send a letter to each employment agency and to each labor organization from which it recruits personnel, instructing such organizations that referrals of job applicants were to be made solely on the basis of ability, without reference to race, creed, color or national origin; to display a summary of the Law's provisions in a prominent space at each office, pier, and other place of business; and to distribute to each of its employees during the ensuing two weeks a copy of the pamphlet, "An Equal Chance," which describes the regulatory work of the New York State Commission Against Discrimination.

* * *

The United States Supreme Court in decisions announced on May 28: (1) by refusing to review a case, in effect confirmed a lower court decision that anti-Negro zoning laws are unconstitutional; (2) similarly upheld a lower court decision prohibiting Jim Crow segregation of coach passengers on railroads; (2) upheld Virginia's poll-tax law.

* * *

In the southern colleges: Francis Sturcken, a senior, won an oratorical contest at the College of Charleston (South Carolina). Sample passages: "Segregation is neither democratic nor Christian. . . . The segregated educational system is doomed. . . . Negroes will soon be going to college with us. The college student does not fear the thought." . . . *William and Mary College admitted the first Negro student in its 258 years.* . . . North Carolina University accepted three Negro law students for the summer term, the first ever to be enrolled in the 156-year-old institution. . . . *Wayland College, Texas, became the first higher educational institution in the state to admit a Negro after a student poll showed only nine out of 271 students opposed. President of the Baptist school said that the trustees voted to drop the color bar "because we felt it was the only Christian thing to do."*

* * *

The Greek letter: Alpha Xi Delta sorority at the University of Rhode Island was split over the admission of a Narragansett Indian student. The national charter is lily-white. . . . A co-ed at the University of Oregon was forced to move out of the Gamma Phi Beta Sorority house, where she had been living, because she refused to stop dating a Negro student. . . . Alpha Delta Phi at the University of Chicago quietly initiated its first Negro member.

* * *

St. Francis Hospital in Charleston, W. Va. firmly refused to fire three Negro nurses and a technician although twenty-one white nurses went on strike. Replacements were recruited in nearby communities.

* * *

The Baltimore Park Police prevented a tennis meet between a Baltimore team and a Fort Meade team scheduled for Druid Hill Park when it was learned that the visiting team was white while the local players were Negroes. Permission had been granted for the use of segregated facilities for the meet on the assumption by park authorities that the Fort Meade team was composed of Negroes. A baseball game between a team from a Navy ship and a local Baltimore Negro team was stopped by Park Police after one inning of play under similar circumstances.

* * *

The Washington, D.C. Municipal Court of Appeals on May 24 outlawed racial segregation in restaurants when it upheld a "forgotten" 1873 law. The law provides a fine of $100 and forfeiture of license for one year for any restaurant proprietor who refuses to serve "any well-behaved and respectable person."

* * *

A three-judge United States District Court in Charleston, S.C., upheld the constitutionality of South Carolina's segregated public school system, but required the state to equalize facilities for the races. The decision was by a 2-1 split. An appeal is to be taken immediately to the United States Supreme Court. The case poses a direct test of the "separate but equal" doctrine laid down by the Supreme Court in 1897.

* * *

The city of Sharon, Pennsylvania on May 8 adopted an FEP ordinance. The ordinance makes it a violation for any employer, employment agency or labor union to discriminate against any person, either in hiring or in wages or working conditions because of his race, color, national origin or religion. The ordinance calls for the establishment of a five-man commission to administer its provisions. Appointed to the commission are three clergymen, a labor representative and a spokesman for business and industry. Niles, Ohio became the twenty-first FEP city when it adopted a comprehensive ordinance, containing an unusually strict penalty provision for second violators: they are deprived of all city-granted privileges, including licenses, franchises, and tax exemption.

* * *

Official delegates from the states of Massachusetts, Connecticut, Rhode Island, New York and New Jersey, and from the city of Philadelphia attended the third annual meeting of the Eastern States Conference of Commissions Against Discrimination at Swampscott, Mass., June 12 and 13.

The conference called upon hotel associations and proprietors of vacation resorts to take immediate steps to eliminate discrimination based on race, creed, color and national origin, and to avoid advertising which tends to create the impression that accommodations are unavailable to members of certain minority groups.

Discussed at the conference also were: (1) exchanges of information among and joint action by the several commissions in complaints or investigations involving inter-state business; (2) apprenticeship training as it relates to fair employment practice laws; (3) racial designations in news stories; (4) problems of discrimination in the field of insurance; (5) techniques for informing workers and the public regarding laws against discrimination; (6) new developments in educational devices in schools.

* * *

Sparked by Negro Congressmen William L. Dawson (D., Ill.) and Adam Clayton Powell (D., N. Y.), the House defeated 222-117 a proposal by Congressman John Rankin (D., Miss.) for erection of a segregated hospital for Negro veterans in Virginia.

* * *

The United Nations Commission on Human Rights has completed work on the economic and social section of its draft covenant. It includes among economic and social rights: the right to work at a job freely chosen, the right to reasonable conditions of work and equal pay for equal work, reasonable hours of labor, the right to join trade unions. Mrs. Eleanor Roosevelt, head of the United States delegation, was formerly president of the Commission; she declined reelection and was succeeded by Charles Malik of Lebanon.

In the Recent Literature:

Benedict, Ruth and Weltfish, Gene. *The Races of Mankind.* 1951. Public Affairs Pamphlets, 22 E. 38th St., New York 16, N. Y. 32 p. 20¢.—A revision of the pamphlet first published some years ago. The essential facts about race in simple terms.

"Civil Rights in America". May 1951. *The Annals of the American Academy of Political and Social Science.* The Academy, 3817 Spruce St., Philadelphia 4, Pa. 238 p. $2.00.—An impressive collection of articles on many phases of the general topic by authoritative writers.

Graves, W. Brooke. *Fair Employment Practice Legislation in the United States, Federal—State—Municipal.* Public Affairs Bulletin No. 93. April 1951. Legislative Reference Service, Library of Congress, Washington, D.C. 239 p. $1.65.—Comprehensive, authoritative treatment, giving historical background, texts of existing laws, analyses, reports of experience with enforcement, etc. Excellent bibliography.

Gruesser, Sister Mary Jeanine. *Categorical Valuations of Jews Among Catholic Parochial School Children.* 1950. Catholic University of America Press, Washington, D.C. 169 p. Apply.—A doctoral dissertation; the title is self-explanatory.

Hulburd, David. *This Happened in Pasadena.* 1951. The Macmillan Co., 60 Fifth Ave., New York, N. Y. 166 p. $2.50.—A factual and interpretative account of the events leading up to the forced resignation of Willard Goslin as superintendent of schools of Pasadena.

Klineberg, Otto. *Race and Psychology.* 40 p.; Rose, Arnold. *The Roots of Prejudice.* 44 p. 25¢ each.—Two in a series, prepared for UNESCO, under the title "The Race Question and Modern Science". May be ordered from Columbia University Press, International Documents Service, 2960 Broadway, New York 27, N. Y. Required reading.

McCloskey, Mark A. and Sorokoff, Hyman. *Schools and Neighbors in Action;* Thomas, Julius A. *Fair Employment Works;* Michaels, Philip H. *The Community is Good Business.* 1951. Oceana Publications, 43 W. 16th St., New York, N. Y. Varying pages. 25¢ each.—Three newly published pamphlets in a series titled "Tools for Human Relations." Deal with projects, techniques, procedures; aimed at volunteer workers.

Muravchik, Emanuel. *Unions and Minority Discrimination.* 1951. Jewish Labor Committee, 175 East Broadway, New York 2, N. Y. 11 p. mimeo. Apply.—A chapter from the book, *House of Labor.* Factual account of intergroup relations within the labor movement.

Programming for Democracy. 1951. Anti-Defamation League of B'nai B'rith, 212 Fifth Ave., New York 10, N. Y. 200 p. $5.00.—A loose-leaf catalog listing of publications, films, recordings and other materials. Description of each item, with full information as to size, cost, source,, etc. Buyers will receive without further charge periodical supplementary pages covering new materials. Efficiently indexed and arranged.

Public Human Relations Organizations. 1951. Anti-Defamation League of B'nai B'rith, 212 Fifth Ave., New York 10, N. Y. 58 p. 35¢.—Subtitled "A Guide to their Status and Operation." Gives data as to budgets, personnel, programs, etc. of Mayor's Committees and similar bodies.

"Recommendations of the National Student Conference on Human Relations in Higher Education." May 17, 1951. *Higher Education and National Affairs,* Bulletin No. 171: 8 p. Free.—A preliminary report, pending publication of the full report of the proceedings. Recommended policies regarding admissions; facilities, athletics, recreation and health; curricula and teacher employment; legislation, economic aid.

Taking Stock. 1951. Colorado Committee for Equal Employment Opportunities, 226 Empire Bldg., Denver 2, Col. 98 p. $1.00.—A comprehensive and detailed report on the campaign for a fair employment practices act for Colorado—factors and personalities in the campaign, major organizations involved, strategy and tactics, etc.

NAIRO REPORTER

Single subscriptions, $3 per year; 25 or more at $2 per year; Larger quantity rates on request

Editorial Board

ARNOLD ARONSON, National Community Relations Advisory Council, *Chairman*

ALEXANDER BROOKS, American Jewish Committee

ARNOLD FORSTER, Anti-Defamation League of B'nai B'rith

JAMES W. IVY, National Association for the Advancement of Colored People

WILLARD JOHNSON, National Conference of Christians and Jews

HAROLD A. LETT, Division Against Discrimination, New Jersey Department of Education

FRANK S. LOESCHER, Fair Employment Practice Commission, Philadelphia

MILDRED MAHONEY, Massachusetts Commission Against Discrimination

JOHN B. SULLIVAN, New York State Commission Against Discrimination

Managing Editor
SAMUEL SPIEGLER

Opening

The Baltimore Interracial Fellowship is seeking an Executive Secretary. If interested, write to Melvin L. Ward, acting executive secretary, at the Fellowship's home, 21 W. Preston St., Baltimore 1, Md.

(*Continued from page* 1)

nation cannot afford the drain upon its human wealth and competence, the inefficient use of our labor force, and the curtailed production of the vitally necessary tools for our defense which are the wasteful results of such discrimination."

Other Governors who issued similar proclamations include Frank Lausche (Ohio), Luther Youngdahl (Minnesota), Paul Dever (Mass.) and G. Mennen Williams (Mich.).

Over the weekend, many ministers, priests, and rabbis devoted sermons to fair employment practices and a number of meetings, dinners and other ceremonies took place in further observance of the FEPC anniversary.

NAIRO REPORTER
published by
NATIONAL ASSOCIATION OF INTERGROUP RELATIONS OFFICIALS
Fellowship Commission Building
260 So. 15th St., Philadelphia 2, Pa.
Return Postage Guaranteed
347

Sec. 34.66, P. L. & R.
U.S. POSTAGE
PAID
Philadelphia, Pa.
Permit No. 2217

Citizens Committee on Better
Race Relations
% A. Philip Randolph
217 West 125th Street
New York, New York

ASA PHILIP RANDOLPH

SUBJECT FILE

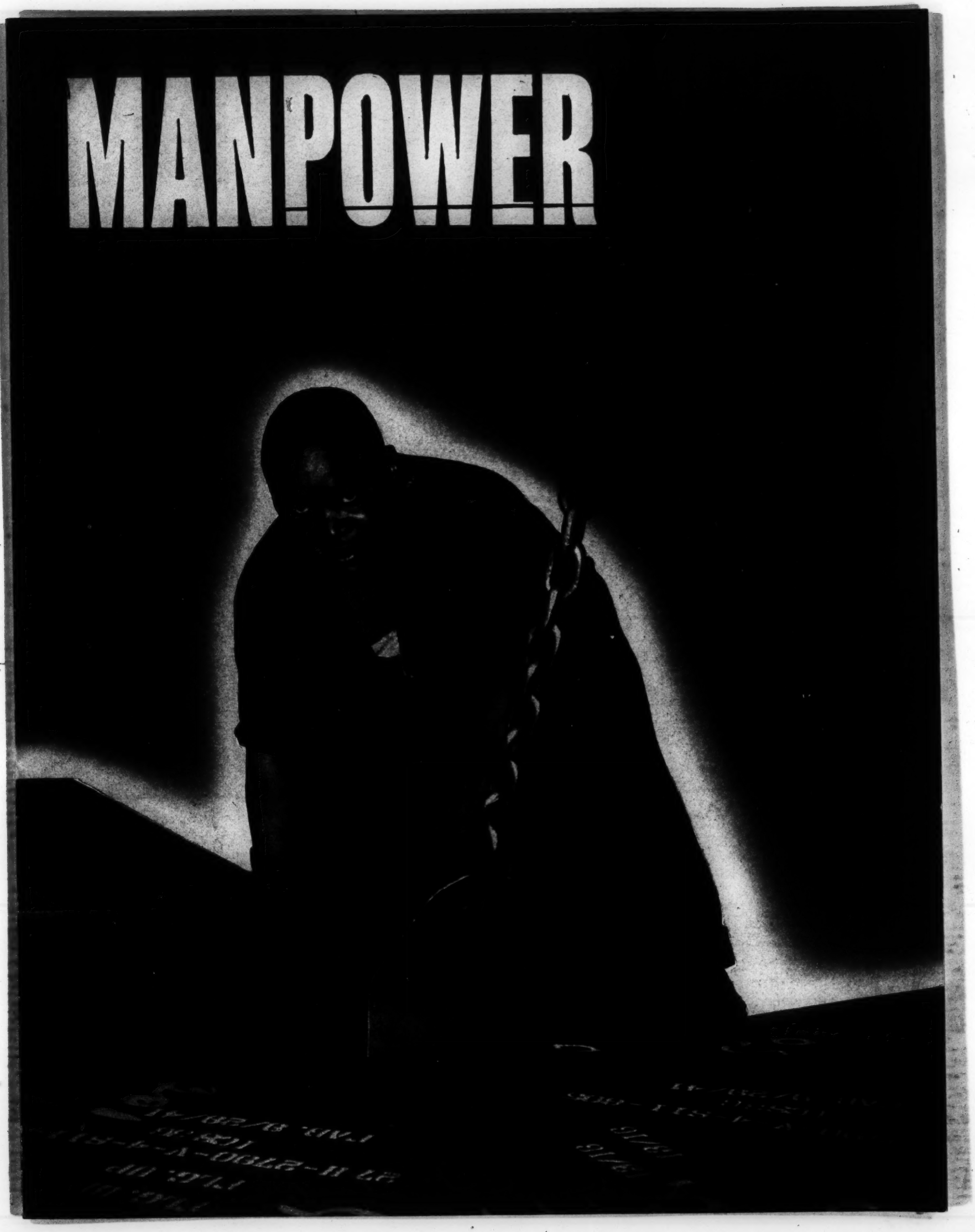
FAIR EMPLOYMENT PRACTICE COMMITTEE

PRINTED MATTER

Undated

(3)

MANPOWER



This is a pamphlet about war production, addressed to men whose business is production, to men who make all their decisions with the basic purpose of outproducing Hitler.

It aims to show how you, as a war production man, can follow the letter and spirit of Federal employment policy and help your country in doing so.

It aims to help you get needed workers in a tight labor market, and to help you protect your war production contract.

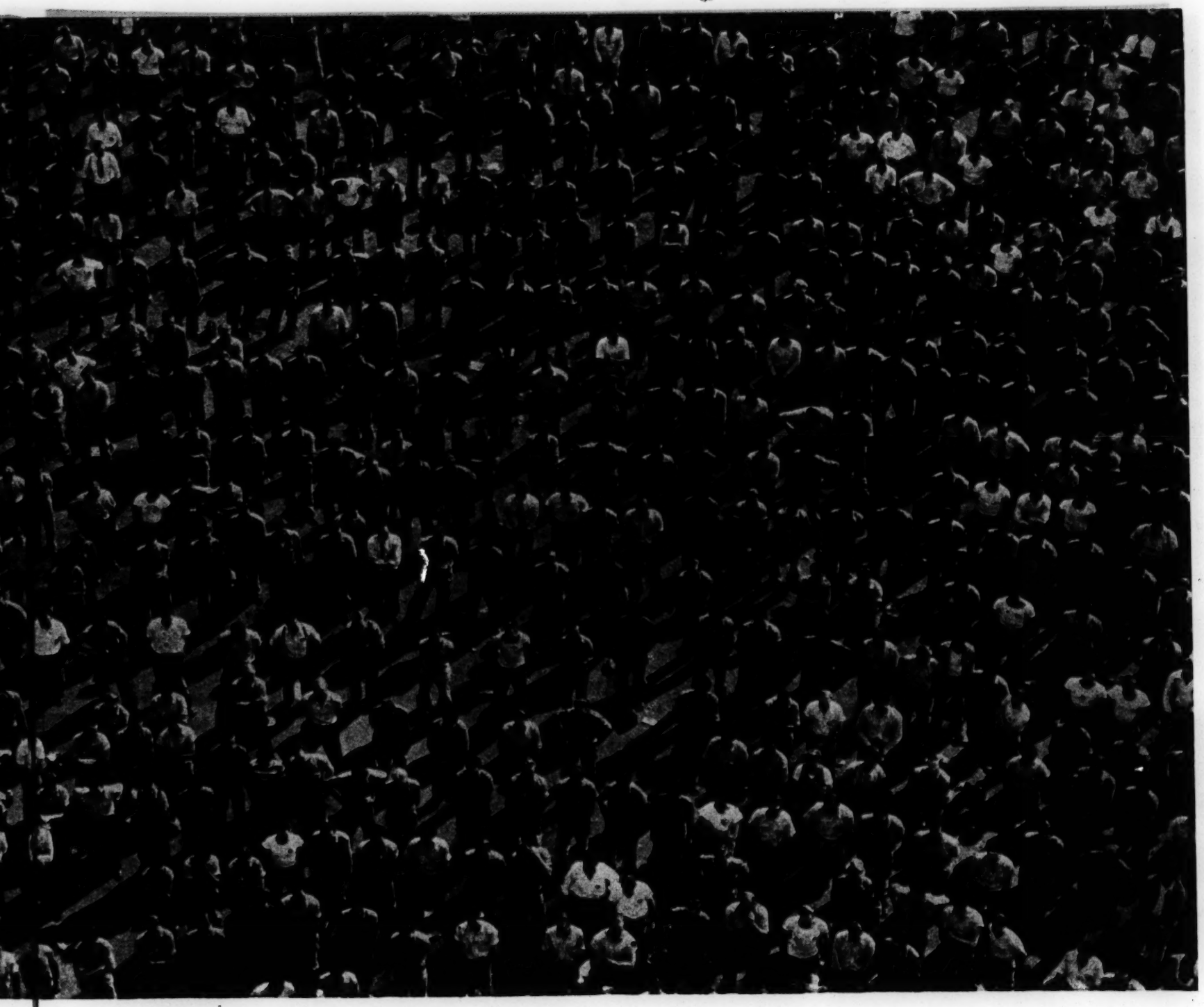
It is a pamphlet about you, your employees, and the Negro worker.

PAUL V. McNUTT,
Chairman, War Manpower Commission.

DONALD M. NELSON,
Chairman, War Production Board.

FRANK KNOX,
Secretary of the Navy.

ROBERT P. PATTERSON,
Acting Secretary of War.



30,000,000 men for war

As a production man, you are familiar with the President's goals for this year—60,000 planes, 45,000 tanks, 20,000 antiaircraft guns, and 8,000,000 tons of shipping. To meet these goals, a minimum of 7,000,000 workers must be added to our war production force by the end of 1942.

At the same time over 1,500,000 young men—some of whom may be working today in *your* plant—will be called to our fighting forces. And more millions will be needed in 1943, until our war workers number 23,000,000.

You're going to need more workers, workers of every kind, skilled, semiskilled, and unskilled. You're going to need every worker you can get.

But labor is going to be short, very short. That means that no worker can be overlooked. It means that skilled workers must not be wasted on unskilled jobs. It means that we must get our whole labor force to work, with every man doing a job that fits the limit of his skill and strength.

5,000,000 willing workers

There are 120,000,000 white people in this country. There are almost 13,000,000 Negroes.

More than 5,000,000 of these American Negroes are workers. They are men and women of all skills and trades, in all parts of the country. Over 650,000 of them are already equipped for skilled or white-collar work, and more are being trained daily.

In 1941, for instance, more than 4,800 Negroes received college degrees in engineering, chemistry, various sciences, and liberal arts. More than 56,000 completed trades, industrial, professional, and clerical courses. An additional 56,000 enrolled in defense-training courses.

The pace has been accelerated in 1942. Negroes are entering war-training courses throughout the country. New classes are being established every day. In-plant training is being expanded for colored workers.

As a result of these wider training opportunities, some Negroes today are operating boring mills, punch presses, lathes, high-precision tools. They are doing inspection work, drafting, using blueprints. In shipbuilding, some Negroes are gang bosses and supervisors. They are finding their places in research laboratories and engineering departments. And Negro women are getting jobs in munitions plants.

But effective prosecution of the war calls for *full* use of our Negro labor resources.

Five million Negroes. Unskilled workers, lots of them. Semiskilled workers, lots of them. Craftsmen, artisans, highly skilled workers, tens of thousands of them.

If we use them, they are a great production asset. *If* we use them.

This man helped build ship propellers in the last war. Today he is back at work in the same yard.

This precision-grinding job requires a high degree of skill. The slightest mistake may ruin the entire blade.

Women play an important role in war production. Below, training prepared this boy for his war job.

Making the machines that make America strong. Negro workers play an important part in the milling machine industry. The Negro worker at the left is chipping the rough spots from the inside of a machine tool bed casting.

The whole nation pays

Discrimination limits production—because it keeps needed workers out of war plants; it keeps skilled men on unskilled jobs; it creates artificial labor shortages.

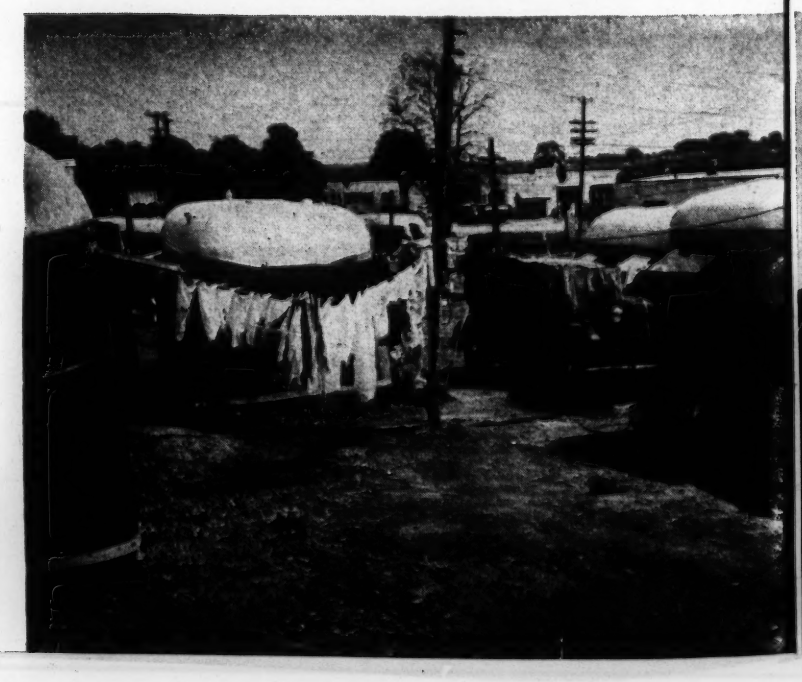
Every time you pass over a Negro worker, for no other reason than his color, either in hiring or in promotion, you place one more obstacle in the path of all-out production. Let's take a specific case.

Here's what happened in one mideastern city.

The contractors received huge orders for aircraft, ships, electrical and radio equipment, steel, iron, copper, and brass products. A labor shortage was inevitable, but despite repeated warnings employers maintained rigid bans against local Negro workers. They resorted instead to labor scouting and to the importation of white workers.

At the very time that this policy was being followed, the National Industrial Conference Board was completing a countrywide survey to compare the performance records of Negro workers with those of white workers.

Over 100 selected managements of industries employing Negroes were asked to grade colored and white employees on comparable skilled and



the cost of discrimination

semiskilled jobs. In ability and skill, 70 managements ranked Negro workers as equal to their white colleagues. In productivity, 85 managements found Negroes equal to their white workers. In regularity in attendance, 64 managements reported Negroes to be equal to their white fellow workers.

The Conference Board's survey closed with a suggestion that all firms having suitable work of any nature should make an honest effort to hire colored workers in proportion to the total population of the area.

A Congressional Committee investigated the unusual movement of workers into this mideastern city which had more than 10,000 unemployed Negroes.

The employment rolls of nine defense plants in this city leaped from 52,494 in January 1941 to 71,169 in September 1941. Yet more than 10,000 available local Negro workers remained unemployed.

The housing situation became critical. Rents skyrocketed. Transportation facilities were overcrowded. Health, fire protection, and policy problems were intensified—and migrant workers, homeless and exploited, quit their jobs, left town, returned home.

Employers appealed to Federal authorities for defense housing. We need 26,600 workers more, they cried, and we are already overcrowded. What are you going to do about it?

Government officials pointed to the still jobless Negroes.

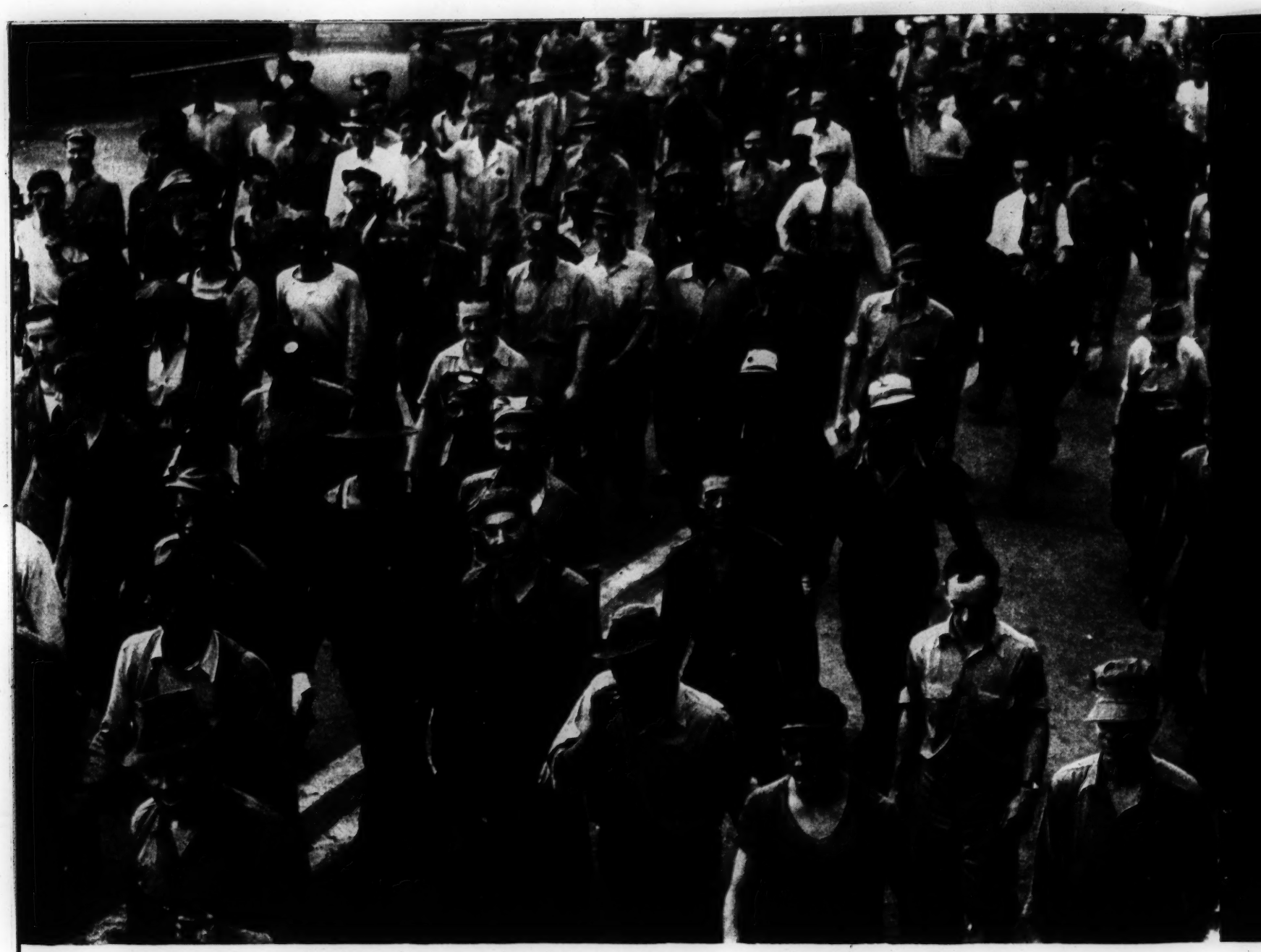
"We cannot use Federal funds and war materials for defense housing when local workers are available and unemployed," they said.

* * *

A shipbuilding company in that city now has several hundred colored unskilled workers on its pay roll, and more Negroes are acquiring skills in its in-plant training courses. Other manufacturers have relaxed their bans. An aircraft manufacturer now employs Negroes in production work—and no skilled white workers have walked out.

Negro workers are being used; they are being upgraded; the artificial shortage of labor is being broken down.

But it took a long time—*time out from war production.*



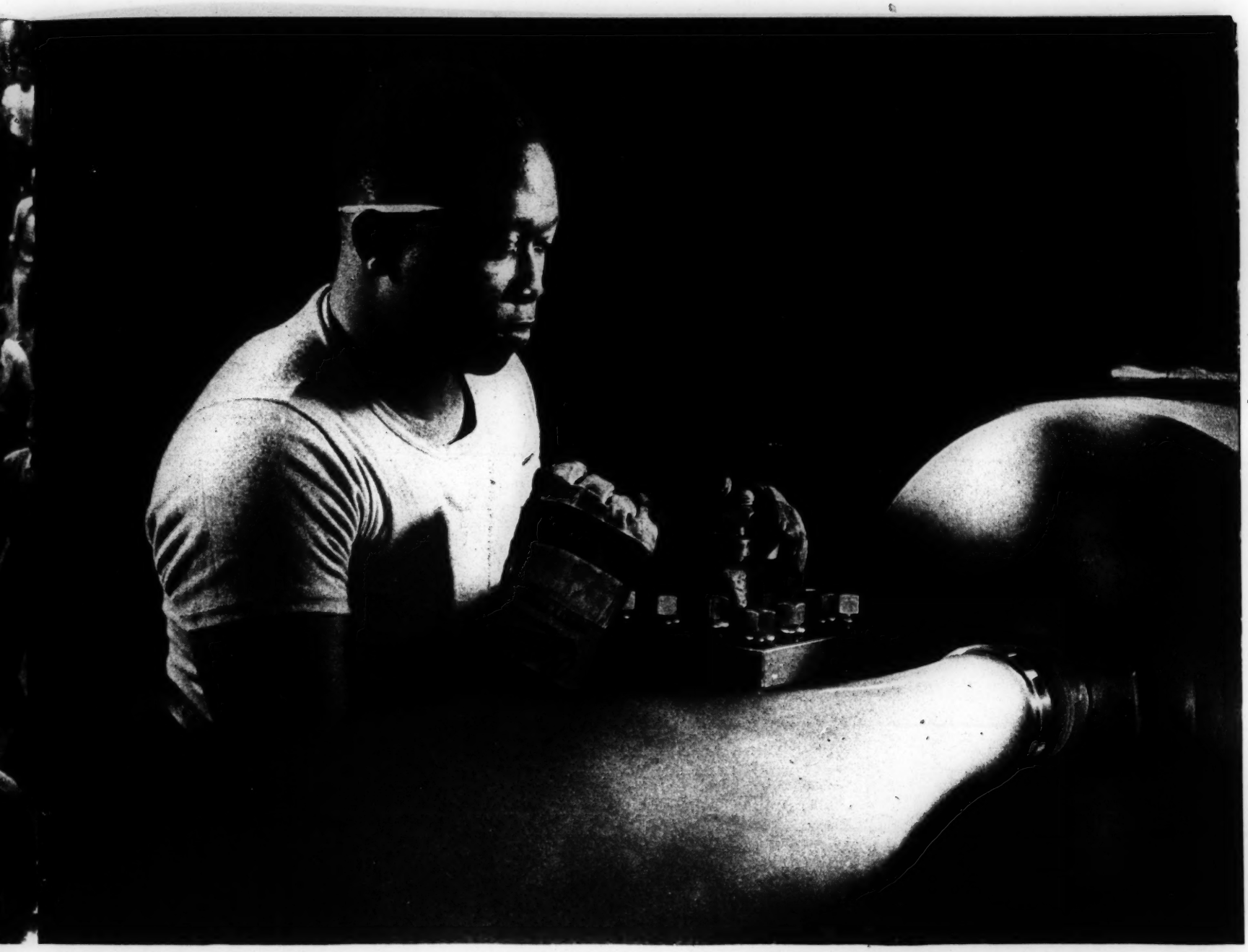
We are using them . . .

Negroes are being used today in all branches of war industry. In United States Navy yards, in arsenals, in Army cantonments, and at naval bases, thousands of skilled and semiskilled Negroes are at work.

In the last year, the War Department has added more than 4,000 Negroes to its civilian staff in Washington. Approximately 50 percent of these are stenographers, typists, and clerks. Between October 1941 and March 1942, the Navy Department more than doubled its colored civilian personnel in the District of Columbia.

Government has also helped private industry to extend Negro employment—through the work of the Negro Manpower Service of the War Manpower Commission, and the President's Committee on Fair Employment Practice, established under Executive Order 8802.

Tens of thousands of Negroes are speeding ship construction on both Coasts; additional thousands are pushing production goals in aircraft, iron and steel, converted auto plants, rub-



but we are not using them enough

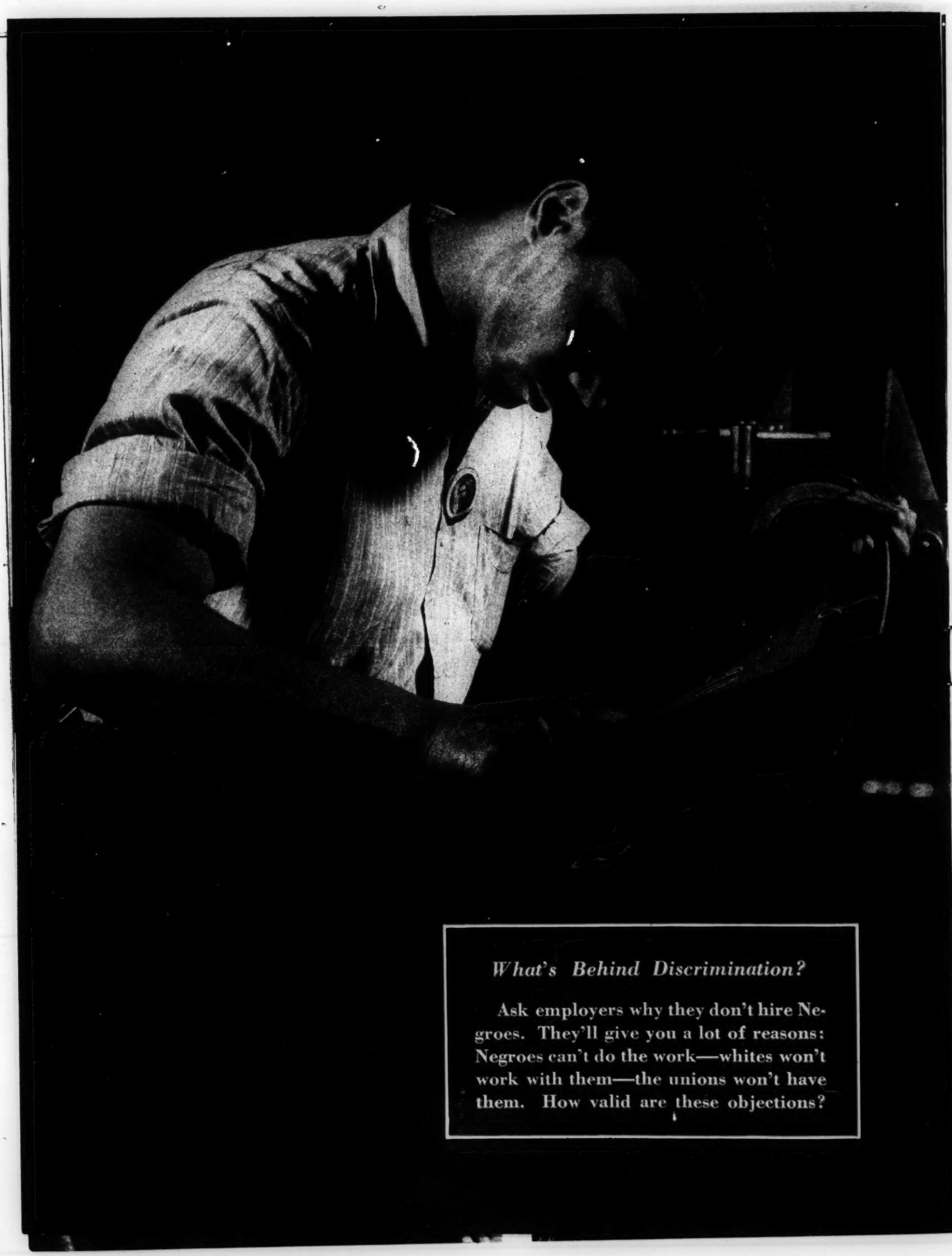
ber, garment manufacture, ordnance plants, meat packing, and many other industries.

In a recent survey of the hiring schedules of selected defense employers, the Bureau of Employment Security reported that 51 percent of 282,245 expected job openings were barred to Negro workers.

In the United States at that time, at least 500,000 male and an equal number of female colored workers were either unemployed or underemployed. Not only were these potential workers available, but many of them were living in areas where general labor shortages existed, and where large-scale immigration of white labor had occurred.

Before the Government tackled the problem, nearly three-quarters of all our defense plants refused to hire Negroes except as janitors. Many of those which did hire Negroes for industrial work confined them to jobs below their skills.

Can we afford to limit production—merely because of the color of a worker's skin?



What's Behind Discrimination?

Ask employers why they don't hire Negroes. They'll give you a lot of reasons: Negroes can't do the work—whites won't work with them—the unions won't have them. How valid are these objections?

Objection No. 1

"Negroes Just Can't Do the Work." The Newport News Shipbuilding and Drydock Company employs more than 6,000 Negroes as machine operators, outside machinists, stage builders, riggers, bolters, drillers, regulators, chippers, caulkers, blacksmiths, and skilled, semiskilled, and unskilled workers in a dozen other categories.

This Company says:

"Of our workmen, approximately 27 percent are colored, all of whom receive the same pay as the white workers when performing similar work."

Negroes have always done skilled work. How else would the 1930 census list 12,000 Negro brickmasons, 33,000 carpenters, 2,000 electricians, 8,000 machinists, 27,000 mechanics, 19,000 painters, 4,000 chemical workers, 25,000 iron and steel workers, 63 architects, 351 technical engineers, and 25,000 clerks.

When the defense program was launched, there had been sufficient employment of Negroes by American industry to convince most people that Negroes, as individuals and when subjected to the usual processes of training and selection, can do any and all types of production jobs.

Yet many Negroes are still excluded from skilled work—"That's white men's work," they are told.

We cannot afford the luxury of thinking in terms of "white men's work." It isn't "white men's work" we have to do—it's war work, and there's more than enough of it.

Objection No. 2

"Whites and Negroes Just Won't Work Together." Ever hear that one? The best answer to this one is a simple truth: Negroes and whites do work together.

They are working together in plants like Ford, Kelsey Hayes, Murray Corporation, and others—in plants like Bethlehem Shipbuilding and the Denver Ordnance Plants—in the shipyards of Virginia and North Carolina—in the iron and coal fields of Alabama—in all parts of the country.

They are working together at Lockheed-Vega Aircraft Corporation. Until September 1941, Lockheed had never hired a Negro among its 40,000 workers. Then Cyril Chappellet, Secretary of the Corporation, sent every executive and supervisor a memorandum announcing the company's intention to abide by the President's Executive Order banning discrimination in defense employment, and to train and employ Negroes "in capacities commensurate with their individual skills and aptitudes." By February 1942, more than 350 Negroes were on the company's pay roll, most of them in production work. Randall Irwin, Lockheed's Director of Industrial Relations, says this:

"I am happy to say that our supervisors and employees are entering into this program with a wholesome attitude."

Mason L. Arnold, an assistant foreman at Lockheed, said of the first Negro sent to his department "most of the fellows are showing him 100 percent cooperation . . . it is my opinion that regardless of color, employees of Vega think and act mainly in terms of Americanism."

Objection No. 3

"The Unions Won't Let Us Hire Negroes." Less than two dozen of the more than 200 major unions in this country have constitutional bans against Negro workers. In many cases of union discrimination the Goverment has stepped in to get for Negroes full membership or work permits.

An employer who meets union resistance to his attempts to hire Negroes may invoke the full support of the Federal Government, the President of the United States, and the heads of both major labor groups. Philip Murray of the CIO and William Green of the AFL are members of the President's Committee on Fair Employment Practice, which investigates violations of Executive Order 8802. President Roosevelt himself has intervened personally in cases where an isolated union refused to let Negroes work.

In several plants, local unions have made specific requests for the hiring and upgrading of Negro workers. In others, union officials have halted strikes or demonstrations when white workers objected to the introduction of Negro skilled workers. Some CIO and AFL unions have formed joint action committees to speed the employment of Negroes.

One official of a large local union recently stated: "The policy of our union for all-out production to win the war cannot be fully carried out unless all available manpower is put to work. . . . We not only believe the Negro people must be afforded equal opportunity to fight for this country, but we also believe they must be given equal opportunity to work for this country."

Objection No. 4

"We're Only Interested in Production." The employment of Negroes *is* a production factor. As an outstanding industrial magazine recently pointed out, "Today it is more profitable to management to upgrade Negro janitors to semiskilled or skilled jobs than to train white workers from outside the plant; it is more profitable to use the unemployed Negroes of the community than to import white workers from other cities. The Battle of Production will be won by skills and by manpower—recruited, trained, upgraded, and fully utilized regardless of race, creed, color, nationality, sex, or age.

"The full impact of the labor shortage has not yet been felt; it may not be felt until late this year or next year. When it comes, some employers, having already trained Negroes and begun to work them into their employment pattern, will be better able to continue production unimpaired by labor stringencies."

Unless American industry uses qualified Negro workers, and trains thousands of additional Negroes, just as we train white men and women, we cannot have full production.

America Needs Every Worker

We need ships, airplanes, and powder to carry the war to the enemy. Ability, not color, must determine who holds the welding torch, handles the rivet gun, or mixes the chemicals.

What you can do about it

You can hire Negroes, and you can upgrade them and use them as you do other workers. If your interviewers will realize that Negroes differ—just as much as whites—from man to man, they will get the right man for the job.

(1) See to it that the fair employment policy of your company is in fact the policy of all of your company's agents. As the Chicago Employers' Association put it: "Guard against acts and statements by you and your supervisors, from foreman to president, which may be construed as discrimination because of race, creed, color, or national origin—such acts and statements are the employers' responsibility."

(2) If you have a union in your plant, seek its help. A policy which the workers help to make will have their support. They can do much to prevent friction and secure the cooperation of your workers.

(3) Enlist the aid of Negro organizations and of the United States Employment Service in getting qualified Negro personnel. These organizations are prepared to help you get trained men. The National Urban League, for instance, has branches in 45 cities. This organization and similar ones cooperate with industry in finding available Negro labor. The 1,500 local offices of the United States Employment Service have been instructed to call the attention of war contractors to available Negroes. The Negro Manpower Service and all other branches of the War Manpower Commission and the War Production Board will lend all assistance to your efforts to bring Negro workers into war production.

(4) As you hire Negroes for the factory, hire them also for your offices. There are thousands of capable Negro clerical workers.

(5) When you consider the employment of women, consider Negro women also. Hundreds of them are already employed in war production—we need the additional thousands now available.

(6) Enlist the cooperation of your supervisory personnel and see that they secure the cooperation of your workers.

(7) Give Negroes in your plant training opportunities equal to those you give to white workers. Study should be given to the local supplies of Negro labor so as to devise programs for the training and employment of workers in capacities which will make them most productive. These things cannot be done overnight. They must be anticipated and planned. In a word, since such employment is generally inevitable, steps should be taken now to start it. Many sound managements realize this and are acting accordingly. Their number must be increased if we are to meet our production goals.

The pictures used in this booklet were obtained from the following: National Housing Agency, OWI Photographic Section, Army Signal Corps, and Farm Security Administration.

Executive Order 8802

Reaffirming Policy of Full Participation in the Defense Program by All Persons, Regardless of Race, Creed, Color, or National Origin, and Directing Certain Action in Furtherance of Said Policy.

. . . I do hereby declare that it is the duty of employers and of labor organizations, in furtherance of said policy and of this order, to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color, or national origin;

And it is hereby ordered as follows: . . .

All contracting agencies of the Government of the United States shall include in all defense contracts hereafter negotiated by them a provision obligating the contractor not to discriminate against any worker because of race, creed, color, or national origin. . . .

Franklin D. Roosevelt

The White House, June 25, 1941

U. S. GOVERNMENT PRINTING OFFICE 16—30032-1

NATIONAL COUNCIL
for a
PERMANENT FAIR EMPLOYMENT PRACTICE COMMITTEE

930 F STREET, N. W., WASHINGTON 4, D. C.

TELEPHONE EXECUTIVE 2233

Honorary Chairmen
SENATOR ARTHUR CAPPER
SENATOR ROBERT F. WAGNER

Co-Chairmen
REV. ALLAN KNIGHT CHALMERS
A. PHILIP RANDOLPH

Chairman, Executive Committee
ROY WILKINS

Treasurer
WILLIAM JAY SCHIEFFELIN

Executive Secretary
ELMER W. HENDERSON

NFEPC

LOCAL ACTION BEFORE CONGRESS RETURNS

The aim of the National Council for a Permanent FEPC, its cooperating organizations and local affiliates is to carry out a campaign of mobilization of every possible source of support for the Fair Employment Practice Bill, S. 984 and HR. 2024, all over the country. This includes the building of local councils in every large city and committees in every Congressional District where they can be organized. Our bill will pass or fail on the strength of its public support. This bill must be made an issue throughout the country and all individuals and groups who have favored it must work actively for it.

Before they return to Washington on November 17 and while your Congressmen are at home, we ask you and your organization to:

SEE YOUR CONGRESSMEN AND SENATORS

1 - Visit or contact your Congressmen and Senators urging their support of S. 984 and companion bills in the House. If they are in favor of it, ask them to do all they can to get action on it in both Houses when Congress reconvenes in January and to win friends for it among their colleagues. Congressmen often do not have time to become familiar with all of the bills they are called upon to consider. Have a small, well-informed delegation of key citizens call on your Congressman, explain the purpose of the bill, its provisions and its importance. Above all, point out the many groups that are in favor of it.

BREAK THE FILIBUSTER

Ask your Senators to vote for cloture and otherwise do everything possible to forestall or break a filibuster. A commitment for cloture is as important as a commitment for the bill.

REPUBLICAN AND DEMOCRATIC PLATFORMS

Remind them that the Republican platform of 1944 said "We pledge the establishment by Federal legislation of a permanent Fair Employment Practice Commission". The Democratic platform said, "We believe that racial and religious minorities have the right to live, develop and vote equally with all citizens.....

Congress should exert its full constitutional powers to protect those rights." Both presidential candidates specifically endorsed the FEPC bill.

NO CRIPPLING AMENDMENTS

Be sure to register your opposition to any crippling amendments such as those to turn enforcement over to local officials and to permit state legislatures to veto the Act.

LOCAL POLITICAL LEADERS

2 - Contact your local political leaders in both parties. Ask them to endorse the bill and to use their influence with Congressmen and Senators toward its passage. The choice of many voters in 1948 will be based solely on FEPC. Let them know this.

LOCAL FEPC COUNCILS

3 - Strengthen the organization of your local council if there is one in your city. If none, explore the possibility of creating one. The nucleus of local councils can be formed from branches of national organizations that have supported our bill. Write for a list and any other information you need. We will be glad to send it.

ENDORSEMENTS AND RESOLUTIONS

4 - Secure endorsement for the bill by top civic, religious, business, labor and professional leaders. Ask all important and friendly organizations to pass resolutions urging passage of S. 984 and HR. 2824. Publicize all of these and let us know about them. They are extremely valuable.

PUBLICITY

5 - Publicize the bill through every available channel: the press (letters and news stories of local activity and endorsements); the radio and by public meetings. Develop speakers who can address other groups on the bill.

SEND US CURRENT EVIDENCE OF DISCRIMINATION

6 - It is important that we are kept informed here of any new evidence of employment discrimination that may develop and estimates of disproportionate unemployment among minority groups. Please check all available sources in your community and let us know your findings.

FUNDS NEEDED

7 - The National Council for a Permanent FEPC needs funds to carry on this fight. We urge you and your organization to make a special effort to send in a substantial contribution.

CONTACT NATIONAL COUNCIL

8 - Establish and maintain contact with the National Council for a Permanent FEPC. Write in for copies of the bill and other explanatory material. We will try to do our share.

Elmer W. Henderson
Executive Secretary

NC-FEPC

"LET'S WORK TOGETHER"

Is Your Community Interested In A Permanent Fair Employment Practice Committee?

Is there a local council working for the passage of these bills?

[redacted]

(S. 101—H. R. 2232—prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.)

If you have no local council, may we offer the following suggestions for developing one?

I. It is very important that such councils be called: (*Name of your city*) *Congressional Council for a Permanent Fair Employment Practice Committee.* (It is important that you have *representatives* from *every congressional district on your council.)*

II. Survey your community carefully and call together a group of Catholic, Protestant, Jewish, Negro, and white women and men, representing national groups and civic, labor (C. I. O., A. F. of L., and Railway Brotherhoods), and foreign language organizations. In other words, the membership in the council should be inter-racial, inter-faith, and truly representative of the community.

III. It would be helpful to have a chairman who is outstanding in the community and who is respected by all of the groups. Of course, such a person must be committed to the need for full employment for all minorities. We are anxious that it be perfectly clear that we want this bill to be for the protection of *all* minorities and not just for the Negro.

IV. This council can plan educational meetings all over the city with a large and effective mass meeting at some designated period.

V. Such an organization can at once arrange for individuals to talk with congressmen about the bill and urge their support of it. This is most important, and it would be helpful for us to know of any contacts you have made with senators and representatives from your state.

VI. It is very important that the National Council for a Permanent Fair Employment Practice Committee be kept informed of all of your work in order that we may tell other councils about your progress.

VII. Get candidates for congress to commit themselves (in writing if possible) to work for the passage of this bill.

VIII. *We need money* in order to carry on an extensive national educational program and any financial help that you can give us will be very much appreciated. We promise that the money will be used wisely, and periodic résumés of the work we attempt will be given.

Honorary Chairmen
SENATOR ARTHUR CAPPER
SENATOR ROBERT F. WAGNER

Co-Chairmen
REV. ALLAN KNIGHT CHALMERS
A. PHILIP RANDOLPH

National Council for a Permanent Fair Employment Practice Committee

Anna Arnold Hedgeman, *National Executive Secretary*

[redacted]

930 F Street, N. W.
Washington 4, D. C.

NC-FEPC

"LET'S WORK TOGETHER"

Is Your Community Interested In A Permanent Fair Employment Practice Committee?

Is there a local council working for the passage of the DAWSON-SCANLON-LAFOLLETTE Bill?

(This bill—H. R. 3986—prohibits discrimination in employment because of race, creed, color, national origin, or ancestry.)

If you have no local council, may we offer the following suggestions for developing one?

I. It is very important that such councils be called: (*Name of your city*) *Congressional Council for a Permanent Fair Employment Practice Committee.* (It is important that you have *representatives* from *every congressional district on your council.*)

II. Survey your community carefully and call together a group of Catholic, Protestant, Jewish, Negro, and white women and men, representing national groups and civic, labor (C. I. O., A. F. of L., and Railway Brotherhoods), and foreign language organizations. In other words, the membership in the council should be inter-racial, inter-faith, and truly representative of the community.

III. It would be helpful to have a chairman who is outstanding in the community and who is respected by all of the groups. Of course, such a person must be committed to the need for full employment for all minorities. We are anxious that it be perfectly clear that we want this bill to be for the protection of *all* minorities and not just for the Negro.

IV. This council can plan educational meetings all over the city with a large and effective mass meeting at some designated period.

V. Such an organization can at once arrange for individuals to talk with congressmen about the bill and urge their support of it. This is most important, and it would be helpful for us to know of any contacts you have made with senators and representatives from your state.

VI. It is very important that the National Council for a Permanent Fair Employment Practice Committee be kept informed of all of your work in order that we may tell other councils about your progress.

VII. Get candidates for congress to commit themselves (in writing if possible) to work for the passage of this bill.

VIII. *We need money* in order to carry on an extensive national educational program and any financial help that you can give us will be very much appreciated. We promise that the money will be used wisely, and periodic résumés of the work we attempt will be given.

Honorary Chairmen
SENATOR ARTHUR CAPPER
SENATOR ROBERT F. WAGNER

Co-Chairmen
REV. ALLAN KNIGHT CHALMERS
A. PHILIP RANDOLPH

National Council for a Permanent Fair Employment Practice Committee
Anna Arnold Hedgeman, *National Executive Secretary*
1410 H Street, N. W.
Washington 5, D. C.

END DISCRIMINATION in EMPLOYMENT

by FEDERAL LAW

MASS RALLY

for a

"The right to work is the right to live"

Permanent FEPC

MADISON SQUARE GARDEN

THURSDAY, FEB. 28th at 7:30 p.m.

ENTERTAINMENT . . . PROMINENT SPEAKERS . . . DRAMA

Tickets available at

NEW YORK COUNCIL FOR A PERMANENT FEPC

2084 Seventh Avenue
New York 27, N.Y.

242 East 14th Street
New York 3, N.Y.
GRamercy 7-9146

[illegible]
[illegible]

TICKETS: 40c - $1.20 - $1.80 and [illegible]

The Road to Fair Employment

June 25, 1941 — In response to an insistent nation-wide demand, President Roosevelt issued Executive Order 8802, establishing the Fair Employment Practice Committee to eliminate discrimination in war employment. Production jumped, all minorities benefitted, and victory was hastened.

Dec. 30, 1943 — The National Council for a Permanent FEPC was formed to continue in peace what had proved so effective in war.

Jan., 1944 — First Bill for a Permanent FEPC introduced.

June, 1944 — Republican platform pledged "the establishment by Federal legislation of a permanent Fair Employment Practice Commission."

1945 — Bills reintroduced; hearings held, favorably reported.

1946 — Bills strangled by House Rules Committee and Senate filibuster.

June, 1946 — Wartime FEPC dies.

March, 1947 — New FEPC Bill (S. 984 - H. R. 2824), modelled on successful New York law, introduced with broad bipartisan sponsorship.

June, 1947 — Hearings held in Senate; spokesmen for religious, labor, civic and welfare organizations representing a majority of the American people urge speedy enactment of Ives-Chavez-Fulton Bill (S. 984 - H. R. 2824).

Oct. 29, 1947 — "We believe that the time for action is now," President's Committee on Civil Rights, urging immediate FEPC enactment.

Nov., 1947 — National Council for a Permanent FEPC launches new campaign to enact S. 984 - H. R. 2824 in 1948 — BEFORE Congress quits for the political conventions and the 1948 elections.

National Council for a Permanent FEPC

930 F. Street, N.W., Washington 4, D. C.

Officers

Honorary Chairmen
SENATOR ARTHUR CAPPER
SENATOR ROBERT F. WAGNER

Co-Chairmen
REV. ALLAN KNIGHT CHALMERS
A. PHILIP RANDOLPH

Treasurer
WILLIAM JAY SCHIEFFELIN

National Board of Directors

ROGER N. BALDWIN
Director American Civil Liberties Union
LINNA E. BRESETTE
National Catholic Welfare Conference
JAMES B. CAREY
Secy., Congress of Industrial Organizations
REV. J. HENRY CARPENTER
Cooperative League of America
ASHBY CARTER
President, National Alliance of Postal Employees
LEO M. CHERNE
Executive Secy., Research Institute of America
ROBERT R. CHURCH
MAX DELSON
New York FEPC Council
EARL B. DICKERSON
THURMAN L. DODSON
MELVYN DOUGLAS
Los Angeles FEPC Council
ELSIE ELFENBEIN
Exec. Dir., National Council of Jewish Women
EDWIN R. EMBREE
President, Julius Rosenwald Fund
HENRY EPSTEIN
Chm., National Community Relations Advisory Council
JUDGE GERALD F. FLOOD
WILLIAM I. GIBSON
FRANK GOLDMAN
President, B'nai B'rith
RABBI SIDNEY E. GOLDSTEIN
LESTER B. GRANGER
Executive Secretary, National Urban League
BISHOP J. A. GREGG
JOHN GREEN
Pres., Industrial Union of Marine & Shipbuilding Workers
WILLIAM GREEN
President, American Federation of Labor
MOST REV.
FRANCIS J. HAAS, D.D.
DR. CAMERON HALL
Exec. Secy., Dept. of Church & Economic Life, Federal Council of Churches
LUCIUS C. HARPER
ADOLPH HELD
President, Jewish Labor Committee
SIDNEY HOLLANDER
CHARLES H. HOUSTON
HUBERT H. HUMPHREY
Vice Chairman, Americans for Democratic Action
GEORGE K. HUNTON
Exec. Secy., Catholic Interracial Council
THOMASINA W. JOHNSON
ALFRED BAKER LEWIS
IRA F. LEWIS
RUTH B. LIPPER
BENJAMIN F. McLAURIN
Brotherhood of Sleeping Car Porters
MORRIS MILGRIM
Exec. Secy., Workers Defense League
PHILIP MURRAY
President, Congress of Industrial Organizations
CECIL E. NEWMAN
Minnesota FEPC Council
DOROTHY S. NORMAN
CHAT PATTERSON
Chairman, American Veterans Committee
JACOB S. POTOFSKY
President, Amalgamated Clothing Workers
JUDGE JOS. M. PROSKAUER
Pres., American Jewish Committee
WINIFRED RAUSHENBUSH
WALTER REUTHER
President, United Automobile Workers
COL. MILTON RICHMAN
National Commander, Jewish War Veterans
G. HOWLAND SHAW
BORIS SHISHKIN
American Federation of Labor
MRS. HARPER SIBLEY
Pres., United Council of Church Women
MAX H. SORENSON
National Commander, Catholic War Veterans
RODERICK STEPHENS
WILLARD S. TOWNSEND
Pres., United Transport Service Employees
NOAH WALTER, JR.
PHILIP WEIGHTMAN
Vice-Pres., Packinghouse Workers Union
WALTER WHITE
Secy., National Association for the Advancement of Colored People
J. FINLEY WILSON
Grand Exalted Ruler, IBPOEW
DR. STEPHEN S. WISE
President, American Jewish Congress
SAMUEL WOLCHOK
Pres., Retail, Wholesale & Dept. Store Workers
MAX ZARITSKY
Pres., United Hatters, Cap & Millinery Workers Union
CHARLES S. ZIMMERMAN
Vice-President, International Ladies' Garment Workers

What YOU Can Do... To Insure FAIR EMPLOYMENT

THE NATIONAL COUNCIL FOR A PERMANENT

FEPC

WHAT IT IS
WHAT IT DOES
HOW IT WORKS

What It Is . . .

THE NATIONAL COUNCIL FOR A PERMANENT FEPC is an organization of organizations; it comprises national, state and local, religious, labor, civic and welfare groups committed to the enactment of an effective federal fair employment practice law. The Council is the central coordinating and policy-formulating body for the achievement of this objective.

What It Does . . .

THE NATIONAL COUNCIL FOR A PERMANENT FEPC maintains a full time staff in Washington to communicate to members of Congress and to party leaders the demand of the American people for action *NOW* to make the Ives-Chavez-Fulton Bill Against Discrimination in Employment (S. 984 and H. R. 2824) a law.

It maintains a field staff to aid communities in establishing state and local FEPC councils.

It furnishes guidance as requested for state and local programming and activity.

It carries on a continuous and nationwide educational program to create an awareness of the dangers to democracy inherent in employment discrimination.

It supplies cooperating agencies and other interested groups with up-to-the-minute information about the status of FEPC legislation and the campaign for enactment.

It issues and distributes printed material, including a regular newsletter, leaflets, pamphlets, posters, buttons, etc.

It provides speakers for meetings, conferences, forums and discussion groups.

How It Works . . .

OVER-ALL direction of the Council is vested in a *National Board of Directors*, composed of representatives of more than fifty religious, labor, civic, welfare and other organizations. (See back page.)

State and local councils, representative of their communities and affiliated with the National Council, are represented on the Board of Directors, recommend policies and carry on the Council's work in their respective communities.

A Policy Committee, consisting of representatives of the American Federation of Labor, the Congress of Industrial Organizations, the National Association for the Advancement of Colored People, the National Urban League, the Catholic Interracial Council and the National Community Relations Advisory Council, formulates policy and strategy, subject to the approval of the Board of Directors.

An Executive Committee, drawn from the major cooperating organizations, is responsible for the execution of the Council's program, within the framework of established policy.

A Legal Committee, which assisted in the drafting of the Ives-Chavez-Fulton Bill, is responsible for evaluating and reporting to the Council on all proposed amendments.

A National Committee of Sponsors consists of individuals subscribing to and actively supporting the Council's objective. Members include: Dorothy Dunbar Bromley, Dr. John Dewey, Clark M. Eichelberger, Dr. Albert Einstein, Dr. Frank P. Graham, Prof. Henry Pratt Fairchild, Dr. Mordecai Johnson, Helen Keller, Judge Dorothy Kenyon, Dr. Karl Menninger, Reinhold Neibuhr, Mary K. Simkhovitch.

What You Can Do . . .

1 Tell any and all political workers that you want action *NOW* on S. 984 and H. R. 2824. Tell them that action on this legislation will be your test in '48 of their party's sincerity. Register so you can vote.

2 Write to your Senators and Congressman and convey the same message directly to them.

3 Have your lodge, union, church and club adopt resolutions in support of S. 984 and H. R. 2824. (Send copies of these resolutions to your representatives in Congress, your local newspapers and to the National Council.)

4 If there is a local FEPC Council in your community, have your union, church, club, etc., affiliate with it. If there is no Council in your community, write to the National Council for assistance in getting one started.

5 Fill out the form below and become a member of the Committee of Sponsors of the National Council for a Permanent FEPC.

---------- Use This Blank — Tear Off And Mail ----------

NATIONAL COUNCIL FOR A PERMANENT FEPC
930 F Street, N.W., Washington 4, D. C.

I enclose $_____ as a contribution to the fight for FEPC. I want to help. Please send me more information. ☐

*Name*_____

*Address*_____

*City*_____ *Zone*_____ *State*_____

(Please make checks payable to Wm. J. Schieffelin, Treas.)

PRESIDENT TRUMAN says: *Legislation making permanent the Fair Employment Practices Committee would carry out a fundamental American ideal. I am sure that the overwhelming mass of our citizens favor this legislation and want their Congressmen to vote for it.*—JANUARY 3, 1946.

HONORARY CHAIRMEN

Eleanor Roosevelt
Lillian Smith

CO-CHAIRMEN

A. Philip Randolph
Allan Knight Chalmers
Max Delson

●

PARTIAL LIST OF SPONSORING ORGANIZATIONS

American Guild Variety Artists, A.F.L.
American Jewish Committee
Anti-Defamation League
Brooklyn Catholic Interracial Council
Brotherhood of Sleeping Car Porters
Cafeteria Workers, AFL, Local 302
Catholic Interracial Council
Central Trades and Labor Council, A.F.L.
Fellowship of Reconciliation, New York Chapter
Interracial Commission Brooklyn Church and Mission Federation
International Ladies Garment Workers Union
Japanese American Citizens League
Jewish Labor Committee
March on Washington Movement
National Conference of Christians and Jews
New Jersey C.I.O. Council
New York Joint Board Textile Workers Union of America, C.I.O.
Post-War World Council
Union for Democratic Action
United Retail, Wholesale and Department Store Employees, C.I.O.
United States Student Assembly
Veterans League of America
Workers Defense League

☐ I herewith enclose $.....for.....seats at $..... per seat, for the Madison Square Garden rally on February 28, at 8:00 P.M. (Seats available at $.60, $1.20, $1.80, $2.40.)

☐ I would like to do my share to support FEPC and enclose my contribution of $.....

NAME.....

ADDRESS.....PHONE.....

CITY.....STATE.....

The Right to Live

FEPC

you can help get a permanent

COMMITTEE FOR FAIR EMPLOYMENT PRACTICES

come to Madison Square Garden
Thursday, February 28, at 8 p.m.
Entertainment . . . Prominent Speakers . . . Drama
Admission $.60, 1.20, 1.80, 2.40

FEPC PREVENTS JOB DISCRIMINATION because of race, religion, color or national origin, and guarantees jobs for all of us on the basis of skill.

EMPLOYERS REFUSED TO HIRE NEGROES, Jews, Catholics, and other Americans of foreign birth at the start of the war. When war production was endangered, FEPC was created. The result? Everyone worked together for Victory.

TODAY YOUR NEIGHBOR'S RIGHT TO WORK —his right to live—is threatened. Because the war is over, once again minority Americans are the first to be fired. *Tomorrow it may be you.* The answer is a permanent FEPC.

THE BILBOS, THE GERALD L. K. SMITHS, the Rankins and others of their ilk want to set one group of Americans against another. They preach prejudice, intolerance, bigotry. Their hate and venom are directed against FEPC.

FEPC IS SUPPORTED BY ALL CHURCH GROUPS; BY BOTH

major political parties; and by AFL, CIO, and independent labor unions, as well as civic and fraternal organizations. *But Congress acts when the people speak.* You can help get a permanent FEPC.

Here is your job

- Bombard Congress with telegrams supporting FEPC (S 101, HR 2232). Get your friends and all the organizations to which you belong to do the same.

- Support your Local Council for a Permanent FEPC: volunteer your services, make a contribution.

- Come to the Madison Square Garden rally Thursday, February 28. Join with leaders from all sectors of American life in demanding passage of this bill. Stars of stage, screen, and radio will donate their talent. . . . Bring your friends to participate in this great demonstration of Americans united for fair employment practices.

[redacted]

(please turn to the next page)

White people believe Negro guilty of first attack. Negro people do not. It is general agreement that trouble was work of saboteurs. Negro people feel Police Department could have stopped mob; that some policemen actually helped mob; fears, and that while majority of mob were newcomers, some leaders knew the town. Negroes have lost faith in police protection. Handing out of trouble was persistent rumor reported three months ago that there would be a Negro War rising on June 16th. Investigations by city administration found no evidence. Resentment over high wages being paid Negro defense workers, unfortunate choice of words, printed regularly by local Negro press, rudeness of Negro workers in stores and buses, "Silence club" propaganda, influx of large groups of white people from small towns were prejudiced against Negroes in high, also given as contributing factors."

The Beaumont Enterprise of June 18th carried in its leading editorial the statement:

"Beaumont has passed through an experience its law-abiding citizens will not care to undergo again.... Most of the rioting that drew national attention to Beaumont was of the irresponsible kind that springs mainly from race hatred. There is nothing uglier in American life ....., nothing that can do more harm to this country .....Of course it is easy to propose remedies that will please all members of the United States.....

"Events that occurred this week strengthened the suspicion that efforts have been made here to arouse racial prejudice and foment disorder. While it may not be possible to trace every rumor to its source, it is possible for federal and local authorities to deal with fifth columnists, should there be any criminals of this type active in the Sabine-Neches area."

o - o - o - o

Detroit Report

That Negroes have suffered more than whites in Detroit situation is evident in the newspaper accounts of numbers killed, wounded, and arrested. Walter White and Thurgood Marshall are now in Detroit setting up a legal defense committee. Conference members can help by getting word to their Detroit chapters and friends.

From Detroit, the AGLY has received a first-hand report dated June 22nd:

"The sudden influx and accumulation in Detroit of whites and blacks from the south has been in progress for years and is only accelerated by the war program .... Employers reluctantly began the employment of colored workmen and did not always take the trouble to do so tactfully .....A much more carefully planned and executed technique of advancement of colored people in industry is required.

...the squeeze of labor generally between the freezing of wages and jobs and the speculative pinches on the one hand and the continually rising costs of living ... on the other hand, with the threat of the withholding for immediately ahead and considerable pressure without relief from rank-and-file work, presents a situation that must have more intelligent handling than has so far been given it. The responsible management of the C.I.O. has promptly taken and strongly held a correct position with great courage to themselves because of the enormous numbers of prejudiced whites from the South in the various locals.

The presence of troops is a distinct and sobering shock to the citizens of Detroit who are seriously affected by the disgraceful situation as they have not previously been affected. They begin to suspect that their secret prejudices may cost too much.

- o - o - o - o - o -

FEDERAL INVESTIGATION UNDESIRED. The Committee has sent a telegram to the President urging vigorous intervention by the federal government -- investigation by the Department of Justice and the bringing to justice of those responsible for the rioting. ....Several of the constituent organizations have sent similar telegrams to the President.

In the meantime, Governor Kelly states that John S. Bugas in charge of the Detroit FBI office, says that so far the FBI has found only violations of state and local laws. Governor Kelly has appointed a committee to investigate causes of the riots: the Michigan Attorney General, the Commissioner of the State Police, the Wayne County Prosecutor, the Detroit Police Commissioner.

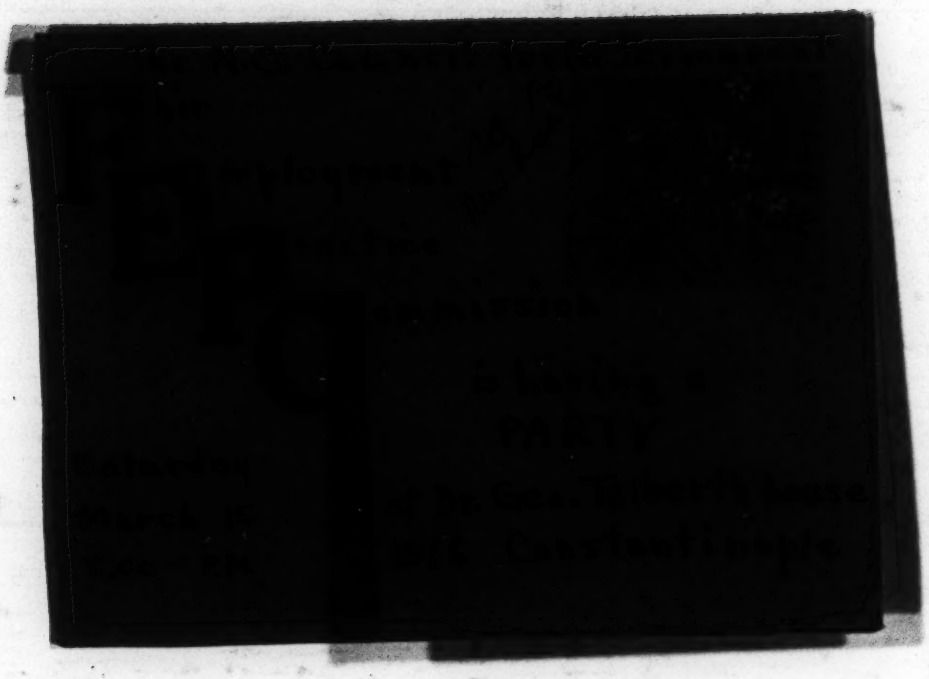
At the same time, PM reports that federal officials in Detroit have asked the mayor to appoint an interracial committee to develop some program to enable Detroit to return to the business of war production, this committee to be composed of representatives of labor, management, the public, and government.

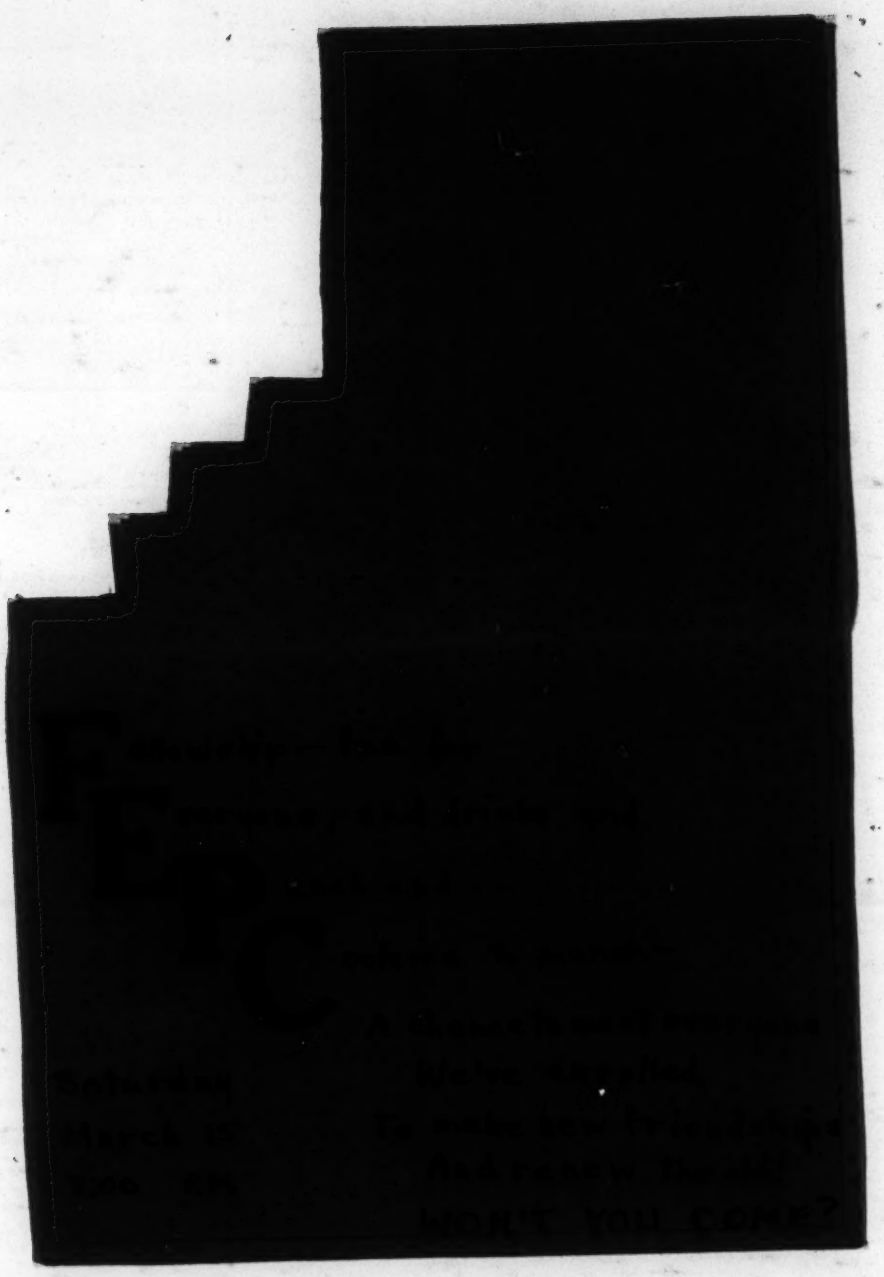
- o - o - o - o - o -

WHAT PATTERN? WHAT PREVENTIVE MEASURES? Near at hand, we have examples of similar situations -- that at Newark, which resulted in the injury and death of school children, isolated shs. incidents in New York City, incendiary journalism in Nassau County. Organizations which have had close experience with these situations through their nearby local branches can contribute facts and details.

(please turn the page)

[redacted]





EXECUTIVE ORDER 8802

FAIR EMPLOYMENT PRACTICE IN DEFENSE INDUSTRIES

. . . . . I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of workers in defense industries or Government because of race, creed, color, or national origin, and I do hereby declare that it is the duty of employers and of labor organizations, in furtherance of said policy and of this order, to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color, or national origin. . . . . *

FRANKLIN D. ROOSEVELT
THE PRESIDENT OF THE UNITED STATES OF AMERICA

THE WHITE HOUSE
June 25, 1941

*Excerpt from Executive Order 8802

MARCH ON WASHINGTON MOVEMENT

Dear Friend:

Post-war jobs for Negroes are in peril. There is a Bill in Congress to create a Permanent Commission on Fair Employment Practice. Public interest in it must be aroused and organized to get it enacted into law. It will mean economic salvation for Negroes. Other cities are rallying in support of the Bill; Chicago must not falter! We need your influence and support. Please attend a dinner meeting Monday evening, Feb. 12, at 6:30 o'clock to hear A. PHILIP RANDOLPH on: "The Fight For A Permanent Fair Employment Practice Commission." Make reservations at a dollar per plate by Feb. 10. Dinner served in Ladies' Parlor of Metropolitan Community Church.

Charles Wesley Burton, Temp. Chrm.
CHICAGO CITIZENS COMMITTEE

NEW ORLEANS COUNCIL
FOR A PERMANENT
FAIR EMPLOYMENT PRACTICE COMMISSION

Fake

MEMBERSHIP CARD

Name _____

Type of Membership _____

From _____ To _____

14

_____
Secretary

Dear Mr. Randolph:

I will _____ attend the Conference to plan
cannot
the Madison Square Garden meeting on F.E.P.C., Tues. Nov. 20th, 1945, at 8 P.M., at the American Common, 40 East 40th Street, New York City.

Remarks:

Name_____

Organization_____

Address_____

NC-FEPC Dinner

CITIZE[redacted]
FOR
F. E. P. C. RANDOLPH DINNER

Please reserve for me _____ plates at a dollar each for the FEPC RANDOLPH Dinner Monday evening, Feb. 12, at 6:30 o'clock.

(Signed)_____

R.S.V.P. by Feb. 10

SAVE FEPC—PASS HR 2232 Alvia

Miss Alver:
Will you put on
Mr. Randolph's calendar
the meeting (see enclosed)
April 26 at the office - 2084 7th Ave.
He is scheduled to report on his
conference with Mr. Taylor. He is also sending
a press release on it. Hastily Layle Lane

USE 1 CENT STAMP

CHICAGO, ILL.
FEB 2
10 AM
1945
HYDE PARK STA.

THIS SIDE OF CARD IS FOR ADDRESS

Mr. A. Philip Randolph
BRYANT HOTEL
Nashville, Tennessee

[redacted]

Form of making Petition (Back)

THIS SIDE OF CARD IS FOR ADDRESS

Mr. A. Philip Randolph
March On Washington Movement
2084 Seventh Avenue
New York City, 27, New York

REPLY CARD

THIS SIDE OF CARD IS FOR ADDRESS

U.S. POSTAL CARD

CHICAGO DIVISION
MARCH-ON-WASHINGTON MOVEMENT
4904 SOUTH PARKWAY
Tel. ATLantic 8367 Chicago, Illinois

OPERATING AGREEMENT BETWEEN FEPC AND WMC

ON NON-DISCRIMINATION PROGRAM

Enforcement of policies promulgated by Executive Order No. 9346 of May 27, 1943, hereinafter called the Non-discrimination Order, calls for the closest possible cooperation between FEPC, which is responsible for the formulation and execution of policies under the Non-discrimination Order, and WMC, which is responsible for full utilization of the Nation's manpower in the prosecution of the war.

As the administrative machinery of WMC embraces the fields of training, placement, and utilization of manpower, where discriminatory employment practices are directly reachable in the course of the agency's daily operations, it is imperative that full utilization of the staff and facilities of WMC be made in the administration of Executive Order No. 9346.

It is the purpose of this agreement between FEPC and WMC to define the respective responsibilities of the two agencies and to establish operating procedures which will assure the most harmonious and expeditious enforcement of non-discrimination policies.

A. RESPONSIBILITIES OF FEPC

1. The Non-discrimination Order provides that:

(a) FEPC "shall formulate policies to achieve the purposes of this Order and shall make recommendations to the various Federal departments and agencies, and to the President, which it deems necessary and proper to make effective the provisions of this Order".

(b) "The Committee shall also recommend to the Chairman of the War Manpower Commission appropriate measures for bringing about the full utilization and training of manpower in and for war production without discrimination because of race, creed, color, or national origin."

(c) "All departments and agencies of the Government of the United States concerned with vocational and training programs for war production shall take all measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin."

(d) "The Committee shall receive and investigate complaints of discrimination forbidden by this Order. It may conduct hearings, make findings of fact, and take appropriate steps to obtain elimination of such discrimination."

(e) FEPC "may utilize the services and facilities of other Federal departments and agencies and such voluntary and uncompensated services as may from time to time be needed. The Committee may accept the services of the State and local authorities and officials, and may perform the functions and duties and exercise the powers conferred upon it by this Order through such officials and agencies and in such manner as it may determine."

2. Pursuant to these requirements of the Executive Order, it is the duty of FEPC to recommend to the Chairman of WMC specific measures to enforce non-discrimination. Such measures shall be carried out after agreement with FEPC on matters pertaining solely to such enforcement of the Non-discrimination Order.

3. It is the duty of the staff of FEPC to cooperate with and assist the staff of WMC in the handling and investigation of cases involving discrimination.

4. It is the duty of FEPC to cooperate with and assist the staff of WMC in the preparation and development of educational programs and materials relating to non-discrimination in the training, placement, and utilization programs of WMC.

B. RESPONSIBILITIES OF WMC

1. WMC has the over-all responsibility for the utilization of manpower.

2. The functions of WMC are in three general fields: training, placement, and utilization.

3. Executive Order No. 9139, establishing WMC, provides that the Chairman of WMC shall "formulate plans and programs and establish basic national policies to assure the most effective mobilization and maximum utilization of the Nation's manpower in the prosecution of the war; and issue such policy and operating directives as may be necessary thereto."

4. After agreement with FEPC, the Chairman of WMC shall establish administrative machinery and issue administrative directives to the regional, State, area, and local offices with regard to their respective duties in securing full utilization and training of manpower without discrimination.

5. It shall be the duty of WMC personnel at all operating levels to cooperate fully with the personnel of FEPC in the enforcement of the Non-discrimination Order, in the carrying out of FEPC policies, and in the promulgation of such measures and programs on non-discrimination as the Chairman of WMC may authorize, with the agreement of FEPC on matters pertaining solely to enforcement of the Non-discrimination Order in such measures and programs.

6. In the central office of WMC and in each of its regional offices an official shall be designated to be responsible for the coordination of procedures and responsibilities under the Non-discrimination Order within WMC and for cooperation with the related regional or central office of FEPC.

IC. ADJUSTMENT OF INTER-AGENCY RELATIONS

1. It is expected by the Chairmen of FEPC and WMC that the spirit of teamwork on the part of the personnel of the two agencies will make it possible to attain maximum efficiency and economy in the administration of the Non-discrimination Order, to avoid all duplication of effort, and to prevent all overlapping of jurisdiction.

2. If any inter-agency difference arises in any regional office of either agency and such difference cannot be promptly settled by joint action of the respective regional directors, it shall be referred immediately to the designated officer in the central office of WMC by the WMC Regional Director, and the designated officer in the central office of FEPC by the FEPC Regional Director for adjustment between the two agencies.

3. If any inter-agency difference involving questions of procedures cannot be so adjusted, it shall be referred to the Chairmen of WMC and FEPC for final disposition.

4. If any unadjusted inter-agency difference involves the questions of policy on which no agreement can be reached by the Chairmen of WMC and FEPC, it shall be jointly submitted by them to the President of the United States for final disposition.

5. If any such unadjusted difference involves questions of interpretation of the Executive Orders under which the two agencies are operating, it shall be jointly referred by the Chairmen of WMC and FEPC to the Attorney General for a ruling by which the two agencies shall be bound.

D. PROCEDURE

In order to achieve maximum administrative economy in the use of personnel of the two agencies and to give the non-discrimination policies and programs of FEPC the widest possible scope of application, full use of available personnel of WMC shall be made for the handling of complaints and evidence of discrimination received originally by WMC in the normal course of its operations in the fields of training, placement, and utilization of manpower.

At the same time, it is essential to the effective administration of the Non-discrimination Order that the staff of WMC be fully informed of the complaints and evidence of discrimination in the locality, area or region concerned, which have been received and handled directly by FEPC.

For the purpose of cooperative administration and clearly defined jurisdiction, two general procedures are hereby prescribed: (1) complaints of violation of Non-discrimination Order received or evidence obtained by WMC in the course of that agency's activity in the fields of training, placement, and utilization of manpower; and (2) complaints of violation of Non-discrimination Order received or evidence obtained directly by FEPC.

1. COMPLAINTS AND EVIDENCE ORIGINATING IN AND INITIALLY INVESTIGATED BY WMC

(a) Each Regional Office of WMC shall have ten days after receipt of complaint or knowledge of evidence of violation of Non-discrimination Order to adjust the same in accordance with agreed and prescribed procedure, provided, however, that additional time may be allowed after consultation between the Regional Offices of FEPC and WMC. Where there is no adjustment within the time specified or allowed, or where, in the opinion of the Regional Office of FEPC, the adjustment is not satisfactory, the Regional Office of FEPC shall take appropriate steps to make the proper adjustment. The files and records of WMC on cases under investigation shall be available to FEPC and WMC shall within the prescribed and agreed policies and procedures cooperate with FEPC in making a proper adjustment.

(b) With agreement of and in cooperation with FEPC, WMC shall establish procedures relating to the effectuation of the Non-discrimination Order in its training, placement, and recruiting programs to facilitate action to be taken by WMC with respect to matters falling within this category. Until such procedures are agreed upon and put in operation, existing procedures shall be continued.

BEST COPY AVAILABLE

LEGIBILITY IS DIFFICULT IN THE ORIGINAL

(c) Training

Procedures shall be established to assure that equal training facilities and opportunities are available to all trainees and prospective trainees without regard to race, creed, color, or national origin. Special procedure shall be established where, because of State or local laws, special training facilities are required for trainees solely because of race.

(d) Placement and Utilization

Procedures shall be established to assure that all workers have equal opportunity for referral to and employment in all classifications of employment regardless of race, creed, color, or national origin. Special procedures shall be established where special USES office facilities are provided for persons solely because of their race. USES 510 reports and the procedures with respect to their preparation and referral shall be revised so as to cover all cases contemplated by the use of such reports.

2. COMPLAINTS AND EVIDENCE ORIGINATING IN FEPC

(a) Upon receipt of each complaint or evidence of violation of the Non-discrimination Order, FEPC shall investigate the same in accordance with the following procedures:

First, examine the files and records of FEPC and obtain from other sources, including WMC, all pertinent information relative to the training or employment practices of the party charged or against whom the evidence exists.

Second, interview the complainant to determine whether there is a prima facie case of violation of the provisions of Executive Order 9346.

Third, make contact with the party charged or the party against whom evidence exists, except where, upon clearance with the Regional Office of WMC, it appears that WMC is at that time conducting or negotiating a training, placement, or utilization program. If such a program is being conducted or negotiated, the FEPC Regional Office shall prepare a report, summarizing its investigation together with a request for specific action, which shall be transmitted to the Regional Office of WMC. The Regional Office of WMC shall report thereon and transmit such report to the Regional Office of FEPC within ten days from the time of the receipt of the FEPC report, unless by agreement such period is either increased or

decreased. Personnel of FEPC and WMC shall cooperate in fulfilling their obligations under this agreement. Where, however, in the opinion of the Regional Director of FEPC after consultation with the Regional Director of WMC the urgency of the case requires it, or where the report of WMC described above is not received by the Regional Office of FEPC within a ten-day period, or other period mutually agreed upon, or, where after the submission of the report, in the opinion of the Regional Office of FEPC, such action is deemed warranted, FEPC may make direct contact with the party charged, or the party against whom evidence exists, without following the above-described procedure.

Fourth, whenever the Regional Office of FEPC determines that specific action on a complaint or evidence shall be taken by WMC, the Regional Office of FEPC shall transmit a report, summarizing its investigation and requesting such action, to the Regional Office of WMC. The Regional Office of WMC shall report thereon and transmit such report to the Regional Office of FEPC within ten days of the receipt of the FEPC report, unless by agreement with the Regional Office of FEPC such period of time is either increased or decreased.

WMC shall, in cooperation with FEPC, establish procedures for complying with the requests for action referred to in steps Three and Four above. Until such procedures are agreed upon and put into operation, existing procedures shall be continued.

E. INTERCHANGE OF INFORMATION AND REPORTS ON OPERATIONS

In order to carry out effective enforcement of the Non-discrimination Order, it is essential that FEPC and WMC maintain an interchange of operating reports and information relevant to the effectuation of non-discrimination programs and policies. Such mutual interchange on a definitely prescribed time schedule shall be maintained in each region as well as between the central offices of the two agencies. Such exchange shall be carried out in accordance with the following procedure.

1. REPORTS ON COMPLAINTS AND EVIDENCE ORIGINATING IN AND INITIALLY INVESTIGATED BY WMC

(a) Each Regional Director of WMC shall prepare weekly summary reports of each such complaint or evidence of violation of the Non discrimination Order and furnish the Regional Office of FEPC each week with two copies of such reports, except that in cases of an emergency

character an immediate, full report shall be made to the Regional Office of FEPC. Each such report shall include the name, sex, and address of the complainant, the name, address, and type of and alleged reason for discrimination, the date of the alleged discrimination, the name of the WMC agent to whom the complaint has been assigned, and the date of referral to FEPC. Forms and procedures for this purpose shall be prescribed by WMC by agreement with FEPC.

2. REPORTS ON COMPLAINTS AND EVIDENCE ORIGINATING IN AND INITIALLY INVESTIGATED BY FEPC

Each Regional Director of FEPC shall make a record of each such complaint or evidence and action taken thereon and shall make a weekly report to the Washington office of FEPC. A copy of each such report shall be furnished to the Regional Office of WMC.

3. UNIFIED FORMS

Complaint, docket and report forms mutually satisfactory to FEPC and WMC shall be prepared and shall be used at all stages of enforcement of the Non-discrimination Order.

F. EFFECTIVE DATE

This agreement shall become effective on the date it is signed by the Chairman of FEPC and the Chairman of WMC, and the operating procedures prescribed thereby shall be put in operation as soon thereafter as feasible.

/s/ Francis J. Haas
Chairman, Fair Employment Practice Committee

/s/ Paul V. McNutt
Chairman, War Manpower Commission

Washington
August 2, 1943

10419

PRESIDENT'S COMMITTEE ON FAIR EMPLOYMENT PRACTICE

Social Security Building

Washington, D. C.

HOW TO SUBMIT COMPLAINTS

Just a letter from any job-seeker who has been denied a job in a defense industry because of his race, creed, color or national origin, is enough to initiate an investigation by the President's Committee on Fair Employment Practice, it was explained today by Lawrence W. Cramer, Executive Secretary, in answer to numerous requests which have come to the Committee.

Any person who also has reason to believe that his race, creed, color or national origin has prevented his obtaining a position or promotion in the Federal civil service may also submit his complaint in the same way.

This simple method of filing complaints was decided upon by the Committee, in order that the least job-seeker, or the unemployed might find no difficulty in having his grievances redressed in keeping with the President's Executive Order of June 25, which set up the Committee, as one step in reaffirming the policy of the United States "that there shall be no discrimination in the employment of workers in defense industries or government because of race, creed color or national origin," Mr. Cramer added.

It is not necessary for an aggrieved worker to have a lawyer draw up any formal papers, it is explained, but it is necessary that the complaint furnish adequate information to permit the Committee to act, and as the investigation proceeds it may be necessary to have the complainant submit a notarized copy of his charges. But to get an investigation started by the Committee, only a clear, fact-giving letter is required.

That fact-giving letter, according to Mr. Cramer, should tell the following:

1. The name of the firm, agency, school or union against which the complaint is made, and its location (street, and city, and state);

2. Whether the discrimination alleged is because of (a) race, (b) creed, (c) color, or (d) national origin;

3. The race, religion, or national origin of the person making the complaint;

4. The type of job, position or classification for which application is made;

5. The qualifications of the complainant for the job he seeks (including his education and work history, and his civil service status, if he has passed a civil service examination);

6. Date when complainant applied for the job which he was denied;

7. Date when he was refused employment or admittance to a training course;

8. Name of person refusing position (if available);

9. Reason given for refusal;

10. Statement of additional facts and circumstances indicating discrimination was on account of race, religion or national origin;

11. Names and addresses of any witnesses to facts and circumstances indicating discrimination;

12. Name and address of person alleging discrimination.

The complaint should be mailed to the President's Committee on Fair Employment Practice, Social Security Building, Washington, D. C.

To those who have asked if it is "all right" to get help in preparing the complaint, Mr. Cramer said that as long as the letter provides the facts and is written in good faith, the Committee does not mind the methods by which it is prepared.

After a complaint has been received, the President's Committee on Fair Employment Practice utilizes the staffs of the Negro Employment and Training Branch and of the Minority Groups Branch of the Office of Production Management for making primary investigations, but maintains its own field and office staff in the Social Security Building, Washington, D. C., for special investigations and office work.

If primary investigations and contacts show that a firm, government agency, defense training school, or union, has actually practiced the discrimination charged, and if primary contacts fail to remedy the situation, then the Committee moves to other steps, which may include a public hearing, notification of other government agencies that a firm with defense contracts is endangering national unity and workers' morale by practising discrimination in violation of government policy, or the making of representations to the President.

Mr. Cramer pointed out that the President's Committee on Fair Employment Practice has only such powers as given it in Executive Order #8802: to receive and investigate complaints of discrimination in the employment of workers in defense industries or government because of race, creed, or national origin, as a "prerequisite to the successful conduct of our national defense production effort," to quote the words of the Executive Order.

October 1, 1941

F.E.P.C. 10520

UNITED STATES OF AMERICA

BEFORE THE COMMITTEE ON FAIR EMPLOYMENT PRACTICE
OF
THE PRESIDENT OF THE UNITED STATES

DO NOT WRITE IN THIS SPACE

In the Matter of

and

Complainant

Case No. .....

Date .....

C H A R G E

Pursuant to Presidential Executive Order No. 8802 the undersigned hereby charges discrimination on account of (race) (creed) (national origin) by
cross out words not applicable

_____
Name of Firm, Agency, School, Union

_____
Address

in

_____
City

(_) Private Defense Industry
(_) Vocational or Training Program
(_) Government Agency
(_) Labor Organization

The following facts are submitted to substantiate this charge:

1. Race, Religion or National Origin of Complainant _____

2. Job, position or classification for which application was made _____

3. Qualifications for such job, position or classification:

A. Education _____

B. Experience and Work history _____

_____

_____

C. Civil Service List _____ Date of Examination _____ Rating _____

4. Date of application / certification (in person) (by letter) for position _____

5. Date of refusal to employ or admit _____

44

6. Name and official position of persons refusing or transmitting refusal

_____ _____
Name Position

7. Reason given for such refusal _____

8. Statement of additional facts and/or circumstances indicating discrimination on account of race, religion or national origin:

_____

_____

_____

_____

_____

9. Names and addresses of any witnesses to facts and/or circumstances indicating discrimination:

Names	Assresses
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The undersigned further charges that the said unfair employment practices are contrary to the public policy of the United States of America as stated in Executive Order No. 8802.

Subscribed and sworn to
before me this day
of 1942
At .....
.....

_____
Notary Public

Name and address of Person Claiming Discrimination:

_____
Name

_____
Address

_____
City and State

44

ELIMINATION OF DISCRIMINATION IN EMPLOYMENT

QUESTIONS AND ANSWERS

1. Question. What does the bill provide?

Answer. It will prohibit discrimination in employment because of race, religion, color, national origin, or ancestry (sec. 5). It creates a Fair Employment Practice Commission to prevent such discrimination (sec. 6).

2. Question. Why should we outlaw discrimination in employment?

Answer. It is un-American. It results in low income for minority groups, thus limiting the market for goods and employment opportunities generally. It leads to interracial conflict. It creates a supply of strikebreakers. It forces minority groups into substandard conditions of living, detrimental to the community. It depresses wage levels. It decreases the Nation's capacities for full production, stable prosperity, and security (sec. 2a). It injures our standing with the United Nations (sec. 2c).

3. Question. What groups are forbidden to discriminate by the bill?

Answer. Agencies of the Federal Government; employers of 50 or more persons whose operations affect interstate or foreign commerce; Federal contractors and subcontractors on contracts of $10,000 or more; labor organizations having 50 or more members (sec. 3).

4. Question. What types of discrimination are forbidden by the bill?

Answer. Only discrimination in employment or union membership, i. e., hiring, discharge, wages, seniority, transfers, demotions, upgrading, union auxiliaries, etc. (sec. 5). The bill does not apply to discrimination in education, transportation, recreation, voting, or places of public accomodation.

5. Question. What principal minority groups are protected by the bill?

Answer. Thirteen million Negroes, 5,000,000 Jews, 20,000,000 Catholics, 3,000,000 Americans of Mexican and Hispanic origin, 11,000,000 persons of foreign birth.

6. Question. How will the Commission be constituted?

Answer. It will be a permanent salaried Commission of five members, appointed by the President with the advice and consent of the Senate, for 5-year term (sec. 6). The size of its staff will depend upon the amount of money Congress appropriates for it.

7. Question. How will the Commission determine whether an employer or union has discriminated?

Answer. By careful and thorough investigation of the complainant's charge, the employer's or union's explanation, and the surrounding circumstances. The burden of proof will be on the complainant, not the party accused. If the Commission believes the charge has merit, it will seek to adjust it by informal and voluntary methods. A new feature of this bill provides for the setting up of regional, State, and local conciliation councils to promote fair employment practices by information, education, and conciliation. Where settlement is not possible by conciliation, the Commission will conduct a full and fair hearing in which the party charged has the right by counsel to present his version of the facts and to cross-examine witnesses. After the hearing, the Commission will issue a decision and order (sec. 7). If the order is not complied with, the Commission will appeal to the Federal Circuit Court to enforce it. Defiance of the court will subject the accused party to penalties for contempt of court. The Commission's administrative procedure is like that of ICC, FTC, SEC, FPC, FCC, and other administrative agencies (sec. 8).

8. Question. How can discrimination be proved?

Answer. The acts or statements of a party charged are used to prove discrimination. In many cases discrimination is flagrant and revealed by newspaper advertisements, discriminatory orders to employment agencies, pay-roll records, or contracts between unions and employers. In other cases, an employer's pattern of rejections or statements made by personnel officers often indicate discrimination. Weak complaints will be dismissed by the Commission without even the necessity of a hearing.

9. Question. What penalties are provided for violators?

Answer. No criminal or civil penalties, except (1) a penalty not to exceed $500 for refusal to post notices regarding the act in work places, and (sec. 11) (2) a fine of up to $500 and imprisonment up to 1 year for forcibly interfering with a member or employee of the Commission in the performance of his duties (sec. 14). The Commission may merely petition a Federal court to compel obedience to its orders. Violation of a court decree is punishable as a contempt of court. The Commission's orders are enforcible only by the courts after full hearing.

10. Question. What is the penalty when a Government official or agency discriminates?

Answer. The Commission may request the President to compel obedience to its orders (sec. 10).

11. Question. Does the bill require an employer to hire Negroes, Jews, Mexicans, or other minorities?

Answer. No. An employer may hire or reject anyone he pleases, on any basis and for any reason, so long as a needed and qualified person is not rejected because of his race, religion, color, national origin, or ancestry (sec. 5).

12. Question. Does the bill require an employer to hire a particular percentage or quota of Negroes or of any other minority group?

Answer. Definitely not. The bill provides only that employees shall be selected on the basis of their qualifications (sec. 5). A quota plan makes hiring dependent upon nonoccupational qualifications and is, therefore, itself discriminatory.

13. Question. Will the courts be able to review the decisions of the Commission?

Answer. An employer or union aggrieved by a Commission order may appeal to the courts. A court will review all questions of law. On questions of fact, the findings of the Commission will have to be supported by substantial evidence (sec. 8). This is the customary procedure for judicial review of administrative agencies and has been approved by the Supreme Court. Orders against Federal agencies are not subject to review.

14. Question. Does the bill apply to State or municipal employees?

Answer. No; nor does it apply to any State agency.

15. Question. Does the bill apply to small retail stores, small farms or domestic servants?

Answer. No. It applies only to those employers who are engaged in interstate commerce or operations affecting such commerce and who employ 50 or more persons (sec. 3).

16. Question. Are religious, charitable, fraternal, social, educational, or sectarian nonprofit corporations or associations subject to the bill?

Answer. No (sec. 3). But labor organizations are included (secs. 3 and 5).

17. Question. Will the bill make possible racketeering, blackmail, or groundless suits?

Answer. No; because the Commission will dismiss all groundless charges on its own initiative, without formal proceedings and before there is any contact with the accused employer (sec. 7a). The wartime Fair Employment Practice Commission dismissed two-thirds of all the complaints filed with it. It thus served as a necessary safety valve for people who thought they were discriminated against. The Commission, likewise, would fill this need.

18. Question. What guaranties are there that the Commission will not itself be biased and unfair?

Answer. The members of the Commission will be appointed by the President of the United States and will have to be approved by the United States Senate (sec. 6a). That is the best guaranty of a fair-minded Commission. In addition, the orders of the Commission can be enforced only by the courts (sec. 8). The Administrative Procedures Act of 1946 and the Supreme Court require a fair hearing before an administrative agency.

19. Question. What supervision will Congress exercise over the Commission?

Answer. Congress will pass upon its annual request for an appropriation. Congress can at any time investigate the conduct of any administrative agency.

20. Question. Is there enough discrimination in employment to justify a Federal bill?

Answer. The wartime FEPC received almost 7,000 complaints since it was created in July 1943, and it had jurisdiction only over war industries or Government agencies. Many of these complaints involved thousands of workers or an entire industry. In its final report, FEPC included a postwar study of employment practices in 11 American cities and found discrimination increasing. The report's final recommendation was for permanent legislation against discrimination in employment. "No device will solve the problem short of the enactment by Congress of Federal fair employment legislation" (p. XVI).

Bills have been introduced in 20 States proposing the elimination of discrimination. This indicates how widespread the problem is. Only one-quarter of the wartime FEPC's cases originated in the South.

21. Question. Is this a new idea in Federal legislation?

Answer. No. The United States Constitution forbids discrimination by the Government; this bill extends the principle to employers and trade-unions. In the last 10 years Congress has enacted 23 laws which forbid discrimination in their enforcement.

22. Question. Is the bill constitutional?

Answer. Certainly. The United States Supreme Court has repeatedly condemned discriminatory employment practices. A New York law forbidding discrimination by trade-unions was recently upheld as constitutional.

23. Question. Does the bill prohibit prejudice?

Answer. No. Prejudice is a state of mind. The bill prevents the act of discrimination which affects pay envelopes. Discrimination can be eliminated or at least greatly reduced by a firm national policy. This law will protect those who do not discriminate.

24. Question. But discrimination is based on prejudice; prejudice is an attitude of mind; is there any more chance of changing this attitude than there was of the prohibition law changing the drinking attitudes of the Nation?

Answer. This law has nothing to do with prejudice itself; it merely seeks to prevent one person's manifestations of prejudice from inflicting themselves upon the economic life of another, within the limits of Federal jurisdiction in employment.

This bill is related to prejudice only as laws forbidding driving while drunk are related to drinking.

25. Question. Can the bill be enforced effectively?

Answer. No law ever receives 100 percent obedience, but the great minority of employers and trade-unions are law abiding. The small monority will have to conform. Even the wartime FEPC without sanctions and with a small staff was able to stop a great deal of discrimination. And today State laws in New York, New Jersey, Massachusetts, Connecticut, Oregon, Washington, New Mexico and Rhode Island are actually working successfully. This bill is identical with them in purpose and method.

26. Question. Isn't this bill class legislation? Does the bill confer special privileges on minorities?

Answer. No. No special privilege is granted any group. It merely assures equality of opportunity and equality of treatment. It requires that persons shall be hired on the basis of their qualifications and not rejected because of the immaterial fact of their color or religion or place of birth.

27. Question. Does this bill impair or conflict with existing State laws?

Answer. No. The Commission is empowered to cede jurisdiction of any case to any state or municipal agency, provided that the statute or ordinance involved is consistent with the provisions of the bill. It does not invade States' rights.

28. Question. Cannot this problem be handled by the States themselves?

Answer. Only eight States -- New York, New Jersey, Massachusetts, Connecticut, Oregon, Washington, New Mexico and Rhode Island have comprehensive and effective laws forbidding discrimination in employment. Federal action is needed to assure uniform national standards of fair employment instead of 48 separate definitions and sets of procedures. Federal action is also needed because most large employers or trade-unions have plants or locals scattered throughout the country in every State. Finally, Federal employees can be protected only by a Federal act and uniform standards and enforcement. The Federal Government can most effectively enforce the Federal Constitution.

29. Question. Does this bill promote social equality?

Answer. The bill has nothing to do with personal or social relationships. It is concerned only with equality of job opportunity.

30. Question. Will such a law cause riots or bloodshed?

Answer. On the contrary, it will lessen the danger of such violence because orderly governmental procedure will be substituted for mob action. After World War I there were 26 major race riots. A repetition must be avoided. If enacted, this bill will do that job.

31. Question. Cannot this problem be handled by education alone?

Answer. No. Education is desirable, but as a supplement, not an alternative, to Federal legislation. There are always a few employers or unions who cannot be relied upon for voluntary cooperation. Legislation itself is a most effective form of education. The problem is so urgent it requires immediate action, without waiting for the slow, uncertain processes of education. Education alone in the last 80 years has not proved effective.

32. Question. Is not the Supreme Court decision in the Negro fireman's case adequate to eliminate discrimination?

Answer. The decision in Steele v. Louisville Railroad, decided December 18, 1944, applies only to discrimination arising from a contract between an employer and a labor union. It leaves untouched all the varying forms of discrimination engaged in by employers acting alone. There are no Federal statutes today which forbid racial or religious discrimination in employment.

33. Question. Wouldn't this bill destroy the American system of free enterprise?

Answer. Free enterprise does not mean unlimited license. The basis of Anglo-American jurisprudence is the realization that every man owns and operates his property and business subject to the requirements of the public welfare. In the long run, his survival and prosperity depend upon the public welfare. If there were no impartial governmental referee continually on guard, the free-enterprise system would soon destroy itself. Besides, there is no truly free enterprise as long as work opportunities are arbitrarily denied certain groups regardless of ability, character, aptitude, and training.

34. Question. Doesn't this bill create another regulatory body when business is already burdened with regulations?

Answer. Scores of laws safeguard the property and other rights of business. Human rights are no less important then property rights, and equally deserve the protection of law.

35. Question. Doesn't this bill restrict the rights of an employer in employee selection and take away his right to manage his own business?

Answer. No restriction is placed on the employer's right to employ or to up-grade an employee on the basis of his own judgment of the candidate's training, experience, ability, personality, or whatever standards he may choose to set. Nor does the law force business to hire any person or refrain from firing any specific person. On the contrary, it protects the employer in his right to choose the best candidate without regard to race, religion, color, or national origin.

36. Question. The law provides for conciliation to work out such problems. Is it fair to insist that an employer hire members of a minority group if his other employees refuse to work with them? Won't this induce friction between the workers themselves and between workers and management?

Answer. The law applies to unions as well as to management, or it would be discriminatory in itself, and the industries where the law would apply are for the most part unionized. Besides, it has been the experience of the overwhelming majority of employers who have (many of them for the first time during the war) employed minority-group workers that their fears of employee friction were not realized, once management had taken a firm clear-cut position.

37. Question. Wouldn't an employer be forced to hire a complainant, even though the employer has no vacancy and would have to fire an employee to take the complainant?

Answer. The Commission would have no authority to compel an employer to hire when no vacancy exists or to fire an employee to create a vacancy for anyone.

38. Question. Won't enforcement of such a law add to the businessman's cost of running his business?

Answer. On the contrary, it will protect him in his right to hire the best man for the job. It will help also to eliminate unfair price cutting by competitors who pay lower wages to members of monority groups. It will promote smooth working relationships, reduce labor turn-over and interruptions, and thereby promote efficient production at lower unit costs.

39. Question. Has the Federal government the right to interfere with the way in which a man conducts his business?

Answer. It is the legitimate concern of a community that industry within its environs should employ all available labor, without regard to race, religion, color, or national origin. The short-sighted employer who limits the materials he can produce and sell because he refuses to hire minority-group workers not only keeps down his own profits; he also keeps down the income of the entire community. Raising the living standards of the most depressed group in a community automatically results in raising the standards of all other groups. The corner grocer, the dry goods merchant, the public utilities, all prosper when the workingman has a job and decent wages. Establishing fair employment will add, in the case of Negro wage-earners alone, a new domestic purchasing power and market of about $10,000,000,000 a year, according to estimates by the National Association for the Advancement of Colored People.

40. Question. Why shouldn't the Federal courts handle this problem instead of a new administrative agency?

Answer. An administrative agency is necessary -

(a) To prevent the flooding of courts and the clogging of their calendars to the detriment of their other work;

(b) To screen out worthless complaints which otherwise would harass innocent employers or unions. A respondent has to defend every suit filed in court, but most administrative agencies dismiss from two-thirds to three-fourths of all charges submitted;

(c) To protect the rights of employees without compelling them to hire their own lawyers;

(d) To insure speedy action and avoid delays and excessive costs in the courts;

(e) To insure uniformity by having one agency interpret the bill, subject to supervision and correction by Congress, instead of 94 Federal district courts;

(f) To permit a commission of experts to devote full time to the problem;

(g) To avoid the necessity of criminal penalties which juries hesitate to impose.

41. Question. Why does not the bill allow an accused party a jury trial?

Answer. Except for refusal to post notices and interferences with Commission officers in their duties, the bill imposes no criminal or civil penalties, nor should it in this type of legislation. The only sanction the bill provides is a cease-and-desist order, carrying no penalties. A jury trial (used in criminal cases or private suits to settle private differences) is inapplicable. Society has a stake in eliminating discrimination and should therefore assume the responsibility and costs of such enforcement, rather than leave it to private parties to hire their own lawyers and enforce the national policy. Such enforcement by private suit is haphazard and means long-drawn, complicated, expensive litigation.

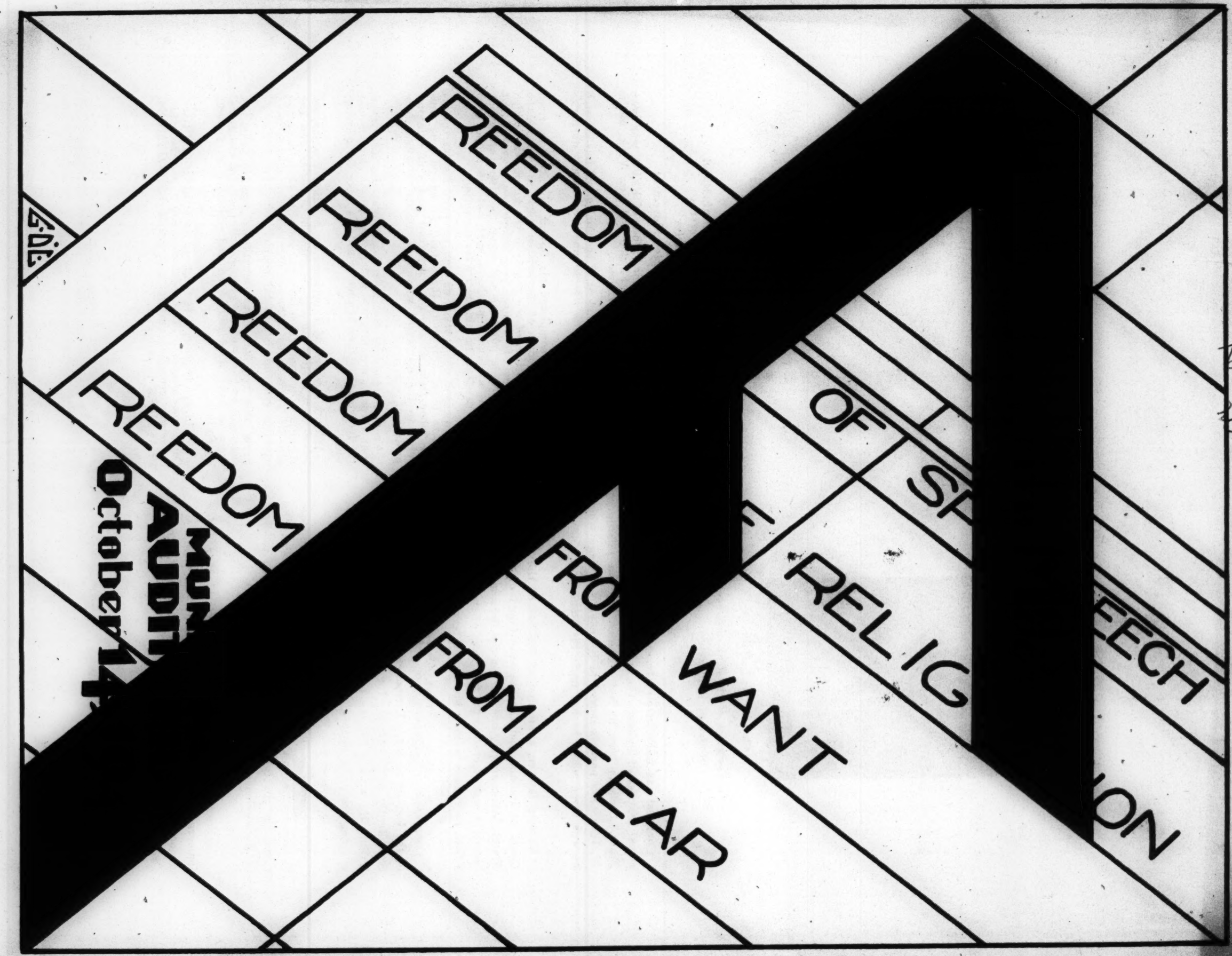
42. Question. Does this bill repeal or impair veterans' preferences?

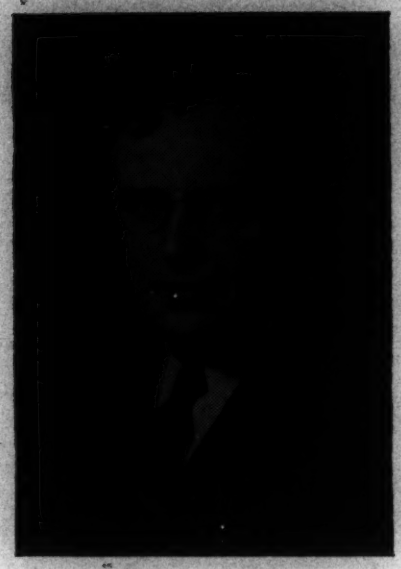
Answer. No. All veterans' preferences are explicitly continued in effect (sec. 12). The bill forbids discrimination only because of race, color, creed, national origin, or ancestry. It does not forbid discrimination because of war service.

43. Question. Who introduced the bill?

Answer. The following Members of Congress introduced the bills listed below:

Mr. Powell	H. R. 21
Mr. Fulton	H. R. 64
Mr. Javits	H. R. 192
Mr. Celler	H. R. 371
Mr. Dawson	H. R. 384
Mrs. Douglas	H. R. 792
Mr. Dollinger	H. R. 1348
Mrs. Norton	H. R. 1578
Mr. Powell	H. R. 4453


FREEDOM
FREEDOM
FREEDOM
FREEDOM
OF
SP
REL IG
EECH
ON
WANT
FEAR
FROM
FROM
MUN
AUDI
October 14
G-016



Charles M. LaFollette

Congress of the United States
House of Representatives

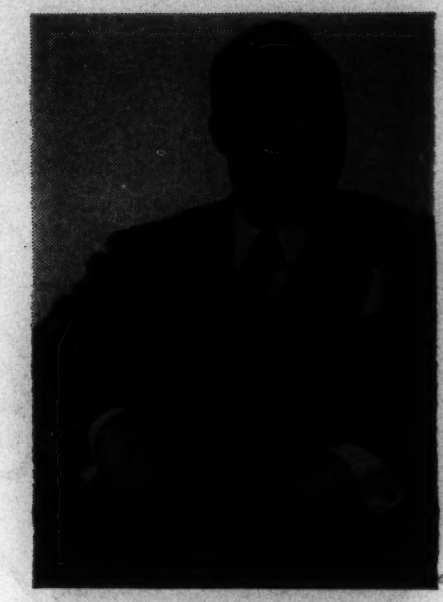
Congressman LaFollette represents the Eighth Congressional District of Indiana, the third largest district in the State. He was born in New Albany, Indiana February 27, 1898. His parents moved to Evansville, Indiana when he was three where he has made his home ever since.

He is a lawyer, a member of the bar of the Supreme Court of Indiana and the Supreme Court of the United States. After serving one term in the Indiana State Legislature he was elected to the Congress of the United States where he is now serving his second term.

Congressman LaFollette is one of the original sponsors of the legislation for a Permanent FEPC and has worked consistently and tirelessly for the passage of this legislation. He worked for the bill in the 78th Congress and is doing the same in this, the 79th Congress.

Congressman LaFollette has not restricted his support to his activities in Congress but has on numerous occasions taken the platform to advocate this legislation publicly before audiences in halls and over the radio.

Congressman LaFollette fought in World War I for democracy and he is continuing his efforts to have the democracy for which he and his comrades fought, become a reality in this nation.



A Philip Randolph

International President, Brotherhood of Sleeping Car Porters
National Director

March on Washington Movement

Mr. A. Philip Randolph, the father of FEPC, was born in Florida and educated in Florida and New York. He is the son of a Methodist Minister.

Mr. Randolph is a student of economics and has devoted a large portion of his life to analitical study of man's economic welfare.

When he had completed his formal education he tried through the medium of the written work, to improve the economic condition of the people of the group with which he is identified. It was not long before he discovered that those who could purchase and enjoy the literature which he and his associates produced were not the people who were in need of the aid they were providing.

As a result of his study of economics and his determination to be of service to the people, he moved over into the labor field, as the only practical means of bringing relief to the distressed who were unable to solve their problems.

From a study of the labor movement, he discovered that through organization and group action alone would the individual worker be able to sell his labor for a living wage.

With his years of experience in building the largest labor organization among Negroes in America and the struggles through which they had come, he came to recognize the tremendous influence political governments have over the economic life of the people.

From this realization, the next step was to take the economic problems of the people to the halls of Congress, there to have them reinforced and protected by federal legislation.

In Chicago in June, 1944 the first National Non-Partisan Conference was held. The objective being to use the ballot to secure economic justice and FAIR EMPLOYMENT PRACTICES in America.

Milton P. Webster
International Vice-President, Brotherhood of Sleeping Car Porters

The only member of the President's Committee on Fair Employment Practices Committee since its appointment in 1941.

PROGRAM

Part I

Music.....The Trinity Methodist Church Choir
Mrs. Eunice Jackson, Director

Presiding.....Raymond E. Burgin
Mass Meeting Chairman

Invocation.....Rabbi Samuel S. Mayerberg

The Local Council.....R. E. Arnold, Chairman

Introduction of Mr. Webster.....William R. Tillmon
Chairman, Executive Committee

Report on War Time FEPC.....Milton P. Webster
Member of the Committee Since 1941

Offering.....Dr. Charles A. Williams
Pastor, Ward Chapel A. M. E. Church

Assisted by members of the United Usher Board of Kansas City, Missouri and Kansas City, Kansas.

Part II

Music.....Cathelena Chorus
Latter Day Saints of Independence
Mrs. Westwood, Director

Introduction of Hon. Charles M. LaFollette

Address.....Charles M. LaFollette
House of Representatives, Washington, D. C.

Introduction of Mr. Randolph.....R. E. Arnold

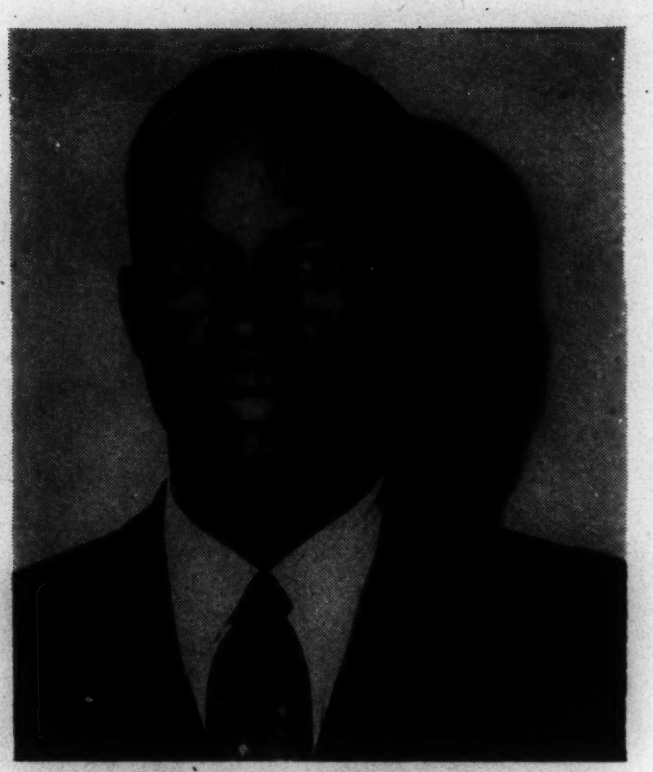
Address.....A. Philip Randolph
International President, Brotherhood of Sleeping Car Porters.

Benediction.

National Anthem.

William N. Alsbrook
Co-Chairman of Mass Meeting

Mr. William Noel Alsbrook was born and reared in Kansas City, Kansas, a graduate of Sumner High School. Mr. Alsbrook attended the University of Kansas where he completed two years' work in aeronautical engineering. Mr. Alsbrook entered the competitive contest for enrollment in the aviation cadets class at Tuskegee Institute and won enrollment in the class. He began training in November, 1942. He was a member of the 99th Fighter Squadron and attained the rank of First Lieutenant. He served thirteen months in the European sector where he won many decorations, including the Bronze Star and Air Medal and the Distinguished Flying Cross.



Raymond E. Burgin
Chairman of Mass Meeting

Mr. Raymond E. Burgin was born and reared in Kansas City, a graduate of Lincoln High School. He has long been interested in the civic welfare of his community. As evidence of which he is one of the organizers and present Manager of the nationally famous Deep River Quartette. He is a Trustee of Allen Chapel African Methodist Episcopal Church and President of the Choir. Mr. Burgin is the owner and operator of the Burgin Coal Company, 913 East 19th Street, telephone Harrison 0567.

A Home-town man whom the Home-town folks should support.

SPONSORS OF FEPC MASS MEETING

$25.00

American Meat Company
Casa Loma Ball Room
William H. Spivey

$15.00

Bahr Furniture Co.
Johnson's Drug Store
West Side Tavern

$10.00

R. E. Arnold
Arthur Bryant
Castle Theatre
J. W. Jones Funeral Home
Mr. and Mrs. M. E. Kimber
Lincoln Theatre
Miget Barbecue
Midget Barbecue
North East Ice Cream Co.
Ritz Liquors
Emmitt Scott
United Market

$5.00 Up

Allen Service Station
Mr. and Mrs. Luther Atkinson
P. L. Bastine
Boxer's Market
Mr. and Mrs. J. A. Butler
Dr. and Mrs. W. W. Caldwell
MRS. SUSIE MINIFEE
REAGAN'S CAFE
Cotton's Delivery and Transfer
Mr. and Mrs. Estill Cooper
Eugene English
Flynn & Greenstreet Funeral Home
Lovena Kemp
14th Street Market
Green Front Cafe
C. E. Hickman
Highland Liquor
Kahn Grocery
Leo's Drug Store
Lydia Market
National Store Fixture Co.
Optimat Club
W. S. Osadchy
Vernon L. Potts
Mrs. Vernon L. Potts
Regal Pharmacy
Dr. James D. Richey
Fred Silverman
Mr. and Mrs. J. C. Smith
Mr. and Mrs. J. H. Taylor
Temple Tavern
Cecil Wade
C. Horatio Warrick
Dr. J. S. Wells
West, Appleton & Jones Funeral Home
William Young
F. W. Williams
THOMAS POULTRY CO.
E. W. MEEKS

HOW OUR CONGRESSMEN VOTED ON MAJOR LEGISLATION

THE SENATE

Party	SENATORS	State	Confirm Henry A. Wallace March 1, 1945	Confirm Aubrey W. Williams March 23, 1945	Kill Work or Jail Bill April 3, 1945	Hold Price Down Regardless of Profits June 11, 1945	Appropriate Funds for FEPC, June 30, 1945
D	Briggs, Frank P.	Mo.	+	+	+	+	(+)
R	Donnell, Forrest C.	Mo.	—	—	+	—	**—
R	Capper, Arthur	Kan.	—	—	+	—	**
R	Reed, Clyde M.	Kan.	—	—	—	—	a

KEY TO SYMBOLS USED IN THIS TABLE

R—Republican
D—Democrat
+—In favor of
—Opposed to
**—Signed cloture petition to end FEPC filibuster in Senate
a—Absent
(+)—Absent but paired for

THE PRESENT CONDITION OF FEPC DISCHARGE PETITION

218 Signatures required to bring Bill to the floor.
148 Signers to date as of this report.
70 Signers needed.

ANALYSIS OF SIGNERS

101 Democrats
46 Republican
1 American Labor

Kansas has five Representatives who have not signed Petition No. 2. Missouri has eleven who have not signed. This is our challenge. Can we secure them?

The Voting Record was compiled by the National Association for the Advancement of Colored People and we are grateful to them for the use of this material.

R. E. ARNOLD, Chairman
Kansas-Missouri Council for a Permanent FEPC.

HOUSE OF REPRESENTATIVES

Party	REPRESENTATIVE	State	Discharge Dies Committee January 8, 1945	Discharge Smith Committee January 16, 1945	Pinochle Writ or Jail Bill February 1, 1945	Block Rankin's Whipsnak of Voters's Administration March 27, 1945	Abolish Poll Tax June 23, 1945	Hold Down Meat Prices Regardless of Profits June 23, 1945	HAVE YOU SIGNED DISCHARGE PETITION ON FEPC?	Have You Signed DISCHARGE PETITION ON ANTI-LYNCH BILL?
R	Carlson, Frank	Kan.	—	—	—	—	a			
R	Cole, Albert M.	Kan.	—	—	a	a	•	—	Yes	
R	Hope, Clifford R.	Kan.	—	—	—	—	+	—		
R	Reece, Edward H.	Kan.	—	—	+	a	•+	—		
R	Scrivner, Errett	Kan.	—	—	+	—	+	—		
R	Winter, Thomas D.	Kan.	—	a	a	a	a	a		
R	Arnold, Wat	Mo.	+	—	+	a	—	—		
D	Bell, C. Jasper	Mo.	—	a	—	—	—	—		
R	Bennett, Marion T.	Mo.	—	—	+	—	•+	—		
D	Cannon, Clarence	Mo.	+	+	+	a	+	+	No	No
D	Carnahan, A. S. J.	Mo.	+	—	—	—	+	—		
D	Cochran, John J.	Mo.	+	+	—	a	+	—	Yes	No
R	Plocser, Walter C.	Mo.	—	a	+	—	•P+	a		
R	Schwabe, Max	Mo.	—	—	+	—	—	—		
R	Short, Dewey	Mo.	—	a	+	a	a	a		
D	Slaughter, Roger C.	Mo.	a	—	—	—	—	—		
D	Sullivan, John B.	Mo.	+	+	—	—	•+	—	Yes	Yes
D	Zimmerman, Orville	Mo.	a	—	—	a	+	—		

KEY TO SYMBOLS USED IN THIS TABLE

R—Republican
D—Democrat
+—In favor of
P—Paired for
—Opposed to
a—Absent
•—Signed Poll Tax Discharge Petition

Where nothing is recorded the Congressman has not gone on record and he may be assumed to be neutral.

Exceptions: Mr. Slaughter has voted against FEPC in Rules Committee.

Mr. Scrivner has promised to sign FEPC Discharge Petition.

There are sins of "Omission" as well as "Commission." It is not good representation to be absent or neutral, we need positive support. A bill can die as complete a death from neglect as it will from active opposition.

JOB SECURITY MASS MEETING

Estimated Expense

HALL:	
The Arena	$250.00
Labor	75.00
Total	$325.00
peakers: Traveling and Board	345.00
retary (Full Time)	150.00
CA (Donation)	50.00
ictures & Cuts	150.00
ublicity: Newspapers	564.38
The Call, The Star The Kansan, The Plaindealer, AFL and CIO Journals, Jewish Chronicle, and Catholic Recorder	
Posters	87.00
Handbills	60.00
Voting Record and Congressmen	81.00
rograms	150.00
tterheads, Office Supplies, Postage	155.49
TAL	$2117.87

is is an ESTIMATE. An emized report will appear the K. C. Call.

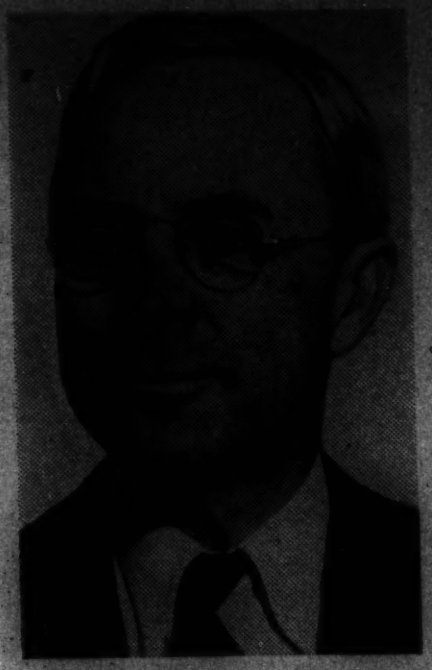
NOTE: A Meeting of the Local Council is called for 8:00 P. M., Wednesday, October 24.

EVERYONE IS WELCOME.

We thank you.

R. E. Arnold, Chairman

ROGER C. SLAUGHTER
House of Representatives
5th District



C. JASPER BELL
House of Representatives
4th District

WHOM DO THEY REPRESENT?

What legislation do they support? Whom does this legislation benefit?

HOUSE LABOR COMMITTEE

Mary T. Norton, Chairman
5 Members from the South
16 Members from the North

HOUSE RULES COMMITTEE

Adolph J. Sabath, Chairman
6 Members from the South
6 Members from the North

SENATE EDUCATION AND LABOR COMMITTEE

James E. Murray, Chairman
6 Members from the South
12 Members from the North

HOUSE APPROPRIATIONS COMMITTEE

Clarence Cannon, Chairman
15 Members from the South
28 Members from the North

SENATE APPROPRIATIONS COMMITTEE

Carter Glass, Chairman
8 Members from the South
16 Members from the North

Kansas-Missouri Council for a Permanent FEPC

Dear Pastor:

Will you urge the following on the members of your Congregation.

Our Nation is dedicated to the proposition that there whall be jobs, at good pay, for all the people in the country who are able and willing to work.

The President's Committee on Fair Euployment Practice is designed to see that all the people are included in this work opportunity--Negroes, Mexicans, Jews and peoples whose religious faith may not be pleasing to some of the employers in our plants.

Since this is the promise of the government under the Constitution, we believe it is the duty of the government to see that its laws are carried out.

F. E. P. C.

is designed to do this. It has two years of recorded activity in doing the job--successfully. WE WANT THAT IT SHOULD CONTINUE TO DO THE JOB. Therefore, we have launched a financial campaign to send funds to our National Council for a Permanent Fair Employment Practice Committee in Washington, D. C. that they may see that the job is continued.

CONTRIBUTIONS TO THE JOB FUND CAMPAIGN

are being solicited

September 25 to October 9

The officers opened the Campaign Tuesday night by reporting $_____

What will you invest in Job Security for ourselves and our children when this War Emergency is over?

R. E. Arnold, Chairman

Kansas-Missouri Council for A Permanent F. E. P. C.

nc-FEPC
Dir.

The
Williams Choral
Ensemble

James Lapsley, Baritone

Guest Soloist

Members Of

Kansas City

Philharmonic Orchestra

March 21

Music Hall

Kansas-Missouri Council for a Permanent F.E.P.C.

THE KANSAS-MISSOURI COUNCIL FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMITTEE

OFFICERS

Miss R. E. Arnold, Chairman

Rep. Wm. H. Towers, Co-Chairman

Miss Willie B. Harmon, Secretary

Mrs. Frances Hayden, Treasurer

Miss Capitolia Jones, Asst. Secretary

EXECUTIVE COMMITTEE

William R. Tillmon, Chairman	James J. Johnson
Mrs. Tommy Berry	Miss Elsie Mountain
Miss Lucile H. Bluford	Rev. S. S. Myers
Clyde A. Burke	Rufus Norman
Nathan Cohen	E. Vincent Suitt
George E. Cornell	W. R. Tate
D. H. Dobbins	C. R. Walton
Peter J. Hughes	Thomas A. Webster
Att. Elmer Jackson	Mrs. Hazel Williams

"STRIKE OUT" RACE PREJUDICE

Strike 1—At Pearl Harbor by Dora Miller.
Strike 2—By President Roosevelt when he appointed
The Fair Employment Practice Committee.
Strike 3—Must be made by Congress by the passage of
A Permanent Fair Employment Practice Bill.

The Bill is now before the House Rules Committee.
Representative Roger C. Slaughter is a member of the Rules Committee.
He has not yet voted for the Bill. You can help by asking him to vote for it.

The National Council
depends upon the Local Councils for funds.

We Are Asking
200 Citizens of This Audience to Contribute

$5.00 Each

We have sent the National Office to date	$ 750.00
This program is given that we may send	1,000.00
Total	$1,750.00
Balance due on our assessment	$3,250.00

Kansas-Missouri Council for a Permanent FEPC
2221 Forest Ave., Kansas City 8, Mo.

The Future of FEPC
Depends Upon the Interest of the PEOPLE!

THE FEPC COMMITTEE

7 Members

12 Regional Offices

3 Sub-Regional Offices

Reaching from the Atlantic to the Pacific

From Canada to the Gulf of Mexico

PROGRAM

I

The Star Spangled Banner

"Silent Strings" ..... Owens

"The Provincial Song" ..... Del Aqua

Ollie Hill

"A Green Cathedral" ..... Hahn

II

"Lungi Dal Caro Bene" ..... Secchi

"Eri Tu Che Macchiavi" ..... Verdi

from "Un Ballo in Maschera"

James Lapsley

III

"The Battle Hymn of The Republic" ..... Fred Warring

"Cara nome" ..... Verdi

Juanita Ricketts

"Oh Southland" ..... Johnson

INTERMISSION

IV

"Roadways" ..... Edith Rose

"The Song of The Flea" ..... Moussorgsky

"My Journey's End" ..... Foster

James Lapsley

V

"Cindy" ..... Harry Wilson

"Go Down Moses" ..... Noble Cain

America The Beautiful

FEPC ACHIEVEMENTS

Minorities employed in all defense industries.
Minorities up-graded to better jobs with better pay in all types of work.
Negroes in the U. S. Air Corps.
Negroes above the rank of Messmen in the U. S. Navy.
Minorities commanding ships in the U. S. Merchant Marine.
Minorities making greater advance in the U. S. Army.
Increased industrial education for the youth of minority groups.

GOALS

To hold all the "Gains"
And increase our "Aims"
In Peace-Time America.
This has been possible and will continue to be possible only as "We, the People, speak."

THE ENSEMBLE

JOHN S. WILLIAMS, Director

LOUISE WHITLOCK, Pianist

SOPRANOS

Beatrice Barnett
Senora Benton
Annetta Bratton
Lula M. Brookfield
Mary Drummond
Florence Edgenton
Beatrice Ferguson
Grace Gill
Ollie Hill
Kathryn Jones
Maude Jones
Gertrude Lann
Juanita Patton
Katie Price
Irene Rhodes
Juanita Ricketts
Erey Robeson
Myrtle Sharp
Lovie Smith
Bertha K. Spaulding
Louise Starling
Lucille Stevenson
Mable Vinson

ALTOS

Helen Albritton
Marchia Brown
Zelma Dave
Ada Jackson
Iva Giles
Baby Hill
Beatrice Schoolen
Ethel Shores
Esther Smith
Elnora Thomas
Bernice West
Marian Williams

TENORS

Luther Albritton
Floyd Brown
Isadore Chinn
Findley Dysart
Dr. J. O. Henley
Aaron Jackson
Claude Whibby
Launey Whibby
C. W. West

BASSES

James Anderson
Arthur Campbell
David Jackson
Walter Hardgraves
Fred Hill
John Patillo
LeRoy Richardson
Jess Smith
Andrew Stevenson

THE ORCHESTRAL UNIT

Harold Bernhardt	**1st Violin**
Ewing Poteet	**1st Violin**
Carl Douglas	**2nd Violin**
Meil McGinness	**2nd Violin**
Lawrence Long	**Viola**
Delassohn Conway	**Cello**
Franz Eberl	**Bass Violin**

CONTRIBUTOR TO JOB FUND

FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION

N.C. FEPC

Kansas-Missouri Council for a Permanent F. E. P. C.
2221 Forest Avenue, Kansas City 8, Mo.

Name _____ Phone _____

Address _____ P. O. Zone _____
Street

_____
City State

Cash Paid $ _____

Pledge $ _____ (to be paid: Date _____)

Signed _____

Date _____ Solicited by _____

(Make all checks payable to W. S. PILLMON, Chairman of Executive Committee.)

RECEIPT FOR CONTRIBUTION

Kansas-Missouri Council for a Permanent F. E. P. C.
2221 Forest Avenue, Kansas City 8, Mo.

Received from _____ $ _____

Fund for a Permanent F. E. P. C.

Date _____

Solicited by _____

NL
FEPC

COMMITTEES OF CORRESPONDENCE
COUNCIL FOR COMMUNITY ACTION
1 West 85th Street, New York 24, N. Y.
RIverside 2-4641

"WE FIGHT TO RETAIN A GREAT PAST, AND WE FIGHT TO GAIN A GREATER FUTURE."

FIGHT DISCRIMINATION WITH THE FEPC

Fair Employment Practices Commission

"The right to work is synonymous with the right to live. Take from me my opportunity to work and you deny to me the opportunity to raise a family; to educate my children; to build a home and to acquire those things which, according to all human standards, should be the minimum which any individual should have."

That is what the FEPC is about. That is how it looks to a Congressman of the United States, Charles S. Dawson, a Negro, who does not forget, while he sits in Congress, that in other sections of the country he could not sit in the same shop with a white, that when ads ran in papers begging for workers, Negroes were turned down when they applied; when Negro boys were called to the Army, their own brothers and mothers and fathers were denied work in factories swollen with war orders.

It took the President's intervention to handle the general problem of discrimination when war production was threatened by labor scarcity. He set up his Fair Employment Practices Committee six months before Pearl Harbor to provide the Arsenal of Democracy with workers "without regard to race, creed, color or national origin".

Established by Executive Order, the FEPC had no enforcement provisions except through appeal to the President who could, and on occasion did, use his war powers for enforcement.

The present FEPC ends in June 1945 unless further funds are appropriated.... The problem of fair employment practices does not end. It goes right on through the war and the reconversion and the peace. What is urgently needed now is a PERMANENT FEPC WITH ITS OWN ENFORCEMENT PROVISIONS, with the same status as the SEC and the NLRB and other government regulatory commissions.

To meet this need, identical bills have now been introduced into both Houses of Congress under bi-partisan sponsorship, H.R. 2232 in the House and S. 101 in the Senate.

They provide for a FAIR EMPLOYMENT PRACTICES COMMISSION to investigate complaints of discrimination against COMPANIES and UNIONS engaged in interstate commerce or on government contracts. (Note: State FEPCs are needed to cover businesses within each State.) ENFORCEMENT of FEPC decisions will be through the courts and its actions will be subject to judicial review.

(continued on reverse side)

Write Makes Might

Advisory Committee: William Agar, L. M. Birkhead, Algernon D. Black, E. Vincent Connolly, Jr., George S. Counts, Jane Cowl, Maurice P. Davidson, Irwin Edman, James H. Hart, Sabra Holbrook, Alice V. Keliher, Dorothy Kenyon, Max Lerner, Eduard Lindeman, Alain Locke, Bishop Francis J. McConnell, Benjamin F. McLaurin, Reinhold Niebuhr, Rev. James H. Robinson, Sterling D. Spero, V. T. Thayer, J. Raymond Walsh.

Affiliated with Friends of Democracy, Inc. Dr. L. M. Birkhead, National Director—Fidelity Building, Kansas City, Mo.; 137 East 57th Street, New York 22, N. Y.

NC-Pet

The COMMITTEES OF CORRESPONDENCE strongly endorses these bills. We feel that the FEPC is not a Negro question - though there are 13,000,000 Negroes in the United States - one tenth of our population. It is not a minority question - though there are many Jews, Mexicans, Catholics and other minority groups.

IT IS AN AMERICAN QUESTION. It is the Four Freedoms at home where we AND the rest of the world can see that the Atlantic Charter is not double talk. Globaloney

It is a charter for a decent reconversion when the men who fought together come back to work together. They must see that we, the people lucky enough to be at home, are forcing our Republican and Democratic parties to live up to their campaign promises of an FEPC with enforcement powers.

ONE SPECIAL DANGER IS THIS: Senator Taft is now proposing an alternate FEPC bill which omits the enforcement issue and substitutes a runaround through "comprehensive studies", "education", etc.... Note that on September 20, 1944, Senator Taft voted in committee for a PERMANENT FEPC WITH ENFORCEMENT POWERS. But that was before election.

Note that Governor Dewey interprets the Republican FEPC pledge as including full enforcement powers.

The COMMITTEES OF CORRESPONDENCE urges you to take immediate action in line with the following program.

1. Write to your SENATORS (FOCUS ON THE SENATE as the bill has a fairly good chance in the House).

SAMPLE LETTER FOLLOWS. PLEASE COMPOSE YOUR OWN FOR GREATER EFFECTIVENESS. Address all Senators at Senate Office Building, Washington, D.C. (For convenience of N.Y. correspondents, their Senators are Robert F. Wagner and James M. Mead.)

"Dear Sir:

We urge that you assume active leadership for the passage of a PERMANENT FEPC WITH ENFORCEMENT POWERS to assure a just, orderly and efficient approach to both war and peacetime employment problems and to apply the Atlantic Charter to the home front."

2.- In writing to Senator Mead (N.Y.) ask him to be present as well as active when the bill comes up. (He was absent during the Wallace hearings.)

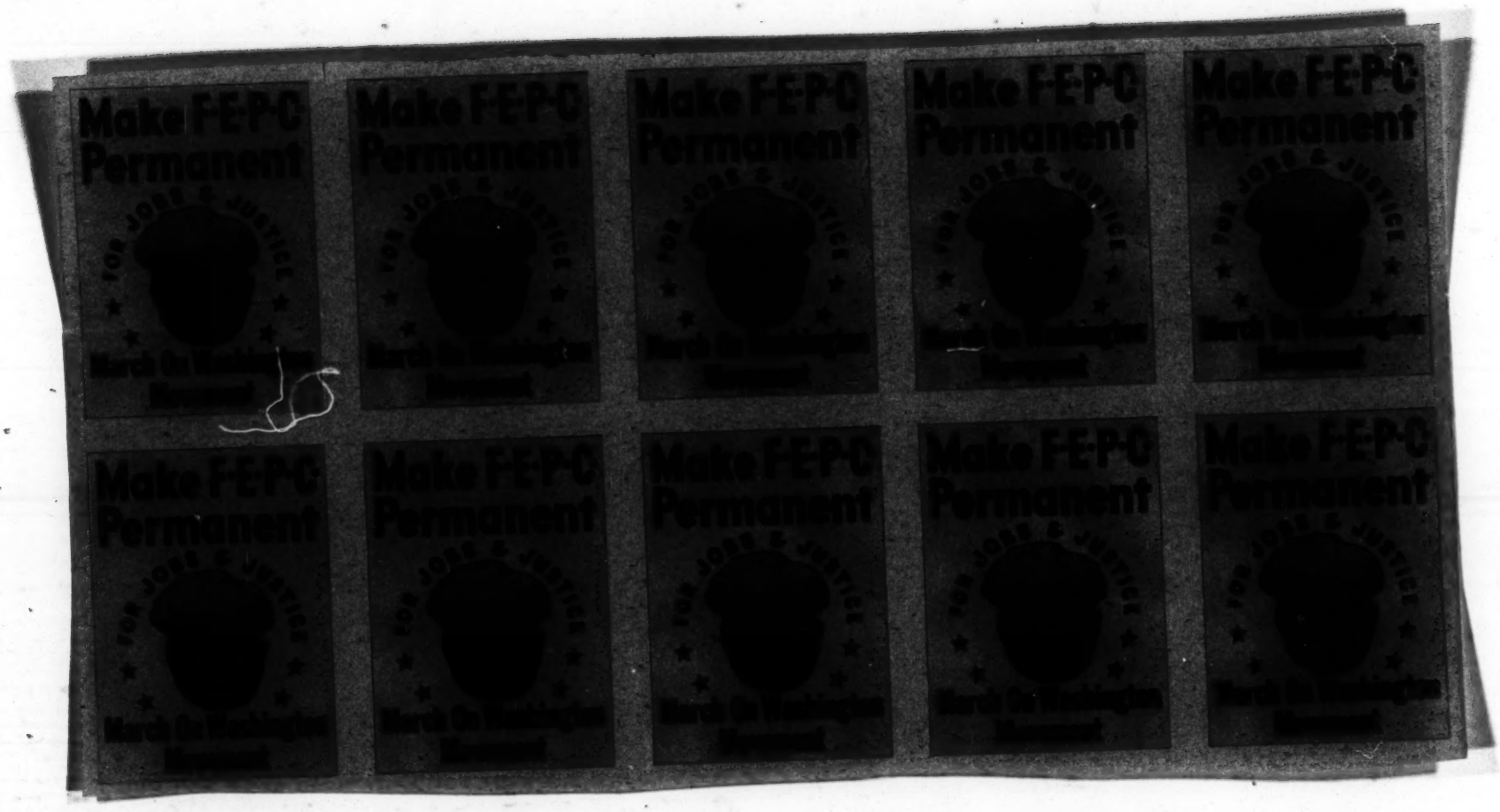
3. Write from all States to Senator Taft, Chairman Republican Steering Committee, reminding him of his stand before the election and urging him to switch to an FEPC WITH ENFORCEMENT PROVISIONS.

4. Write Herbert Brownell, Chairman Republican National Committee (1337 Connecticut Avenue, N.W., Washington, D.C.) to use his influence to see that Republican Senators follow Republican campaign pledge (and Dewey's) for a PERMANENT FEPC WITH ENFORCEMENT POWERS.

****

THE ORGANIZED LETTER WRITING CAMPAIGNS OF THE COMMITTEES OF CORRESPONDENCE HAVE PRODUCED WIDESPREAD AND EFFECTIVE ACTION.....CONCENTRATED PUBLIC OPINION IS THUS MOBILIZED BEHIND THE LETTERS YOU WRITE AND IS STRENGTHENED IN TURN BY YOUR EXPRESSION OF OPINION.

ENLIST IN THE COMMITTEES OF CORRESPONDENCE.....PASS EACH MEMORANDUM ON TO A FRIEND TO ADD ANOTHER LINK TO OUR GROWING CHAIN.


Make F-E-P-C Permanent
FOR JOBS & JUSTICE
March on Washington Movement

NATIONAL COUNCIL FOR A PERMANENT FEPC
930 F Street, N. W.
Washington, D. C.
Executive 2233

THE NEW FEDERAL BILL AGAINST DISCRIMINATION IN EMPLOYMENT

Sponsors:

Senate: S984 Ives, Saltonstall, Smith, Morse, Chavez, Downey, Murray, Myers

House: (Identical Bill) HR 2824 Fulton, 2878 Douglas, 2902 Dawson, 2820 Norton.

Summary of Provisions

1. Practices Prohibited

The bill forbids discrimination in hiring, firing, or conditions of employment because of race, religion, color, national origin, or ancestry by an employer of 50 or more engaged in interstate commerce and also forbids him to utilize any employment agency or other placement service which discriminates (Sec. 5a). The bill forbids a labor organization having 50 members in the employ of one or more subject to the Act to discriminate against any individual or to segregate or limit its membership in any way which adversely affects his employment opportunities (Sec. 5b). The bill forbids employers and labor organizations to discriminate against any person for having opposed an unlawful employment practice.

2. Exemptions

The bill exempts state or municipal (but not Federal) agencies as well as non-profit religious, charitable, fraternal, social and educational associations (other than labor organizations, (Sec. 4).

3. Who Enforces Act

The bill creates a National Commission Against Discrimination in Employment composed of seven members at an annual salary of $10,000 each, appointed by the President with the advice and consent of the Senate for overlapping seven year term. (Sec. 6)

4. Powers of Commission

The bill authorizes the Commission to investigate charges, attempt to eliminate discrimination by conference, conciliation and persuasion, issue complaints, hold hearings, subpoena witnesses,

make findings of fact, issue cease and desist orders, order reinstatement or hiring, with or without back pay and seek enforcement of its orders in court (Sec. 7).

5. Sanctions

Violation of a court enforced order of the Commission may be punishable as a contempt of court (Sec. 8). Wilful resistance to Commission representatives is a misdemeanor (Sec. 14) punishable by a fine of not more than $500 and/or improsonment for not more than one year.

6. Administrative Procedure

Charges may be filed by or on behalf of an aggrieved person or by any member of the Commission. The commissioner who filed a charge shall not participate in a hearing or trial thereof. Three members of the Commission hear the parties argue the case, after hearing, but the entire Commission (3 members constituting a quorum) must decide it. Procedure is in conformity with the Administrative Procedure Act. (Sec. 7 and Sec. 8).

7. Judicial Review

Review is had in circuit court of appeals in accordance with the Administrative Procedure Act. An order may be set aside if arbitrary or capricious or not supported by substantial evidence (Sec. 8)

8. Government Agencies and Government Contracts

Commission orders against a Federal Agency may be enforced by the President and not by the courts. The President may also issue regulations to prevent unlawful employment practices on any Federal contract employing 50 or more persons. Such regulations are enforced by the Commission (Sec. 10).

9. Notices

Every employer or union subject to Act must post notices about Act approved by Commission; a wilful failure to post is punishable by a fine of from $100 to $500 (Sec. 11).

10. Other Provisions

a. The Act is to be known as the "National Act Against Discrimination in Employment" (Sec. 1).

b. The declaration of policy cities the constitutional and moral justifications for the Act, including the Charter of the United Nations. The right to employment without discrimination is made a Federal civil right (Sec. 2).

c. A trial examiner who presides at a Commission hearing must

be a resident of the Federal judicial circuit in which the alleged unlawful practice took place (Sec. 6f).

d. At the request of an employer whose employees refuse to cooperate with the Act, the Commission may offer "remedial" action (Sec. 6g).

e. The Commission may create state or regional advisory or conciliation councils and may empower them to study the problem or specific instances of discrimination in employment (Sec. 6g).

f. Complaints must be filed within one year after discrimination has been committed (Sec. 7h).

g. The Act does not affect in any way veterans' preferences laws (Sec. 12)

h. Regulations of the Commission may be set aside by a concurrent resolution of both Houses of Congress (Sec. 13).

For further information, write to the

NATIONAL COUNCIL FOR A PERMANENT FEPC
930 F Street, N. W.
Washington 4, D. C.

An Appeal to the Members of the House of Representatives

Honorable Sirs:

The fate of the Fair Employment Practice Committee rests in your hands today. Up to now a small group of Representatives, by virtue of their control of the House Rules and Appropriations Committees, has prevented the House of Representatives from discussing and voting on FEPC, despite the fact that the Senate approved by a vote of almost two to one an appropriation for its continuance.

As a result, the Fair Employment Practice Committee, established at the beginning of the war to promote the fullest utilization of all available manpower and to eliminate discriminatory employment practices, is now without funds. Unless the committee bottleneck is broken, nothing can prevent a reconversion to economic discrimination in the United States, even before the war which had its origin in racial bigotry is won.

In the interest of fair play, and in the name of the millions of citizens of this country who favor fair employment practices, we respectfully request that when the new War Appropriations Bill is brought to the floor of the House you join with your colleagues in an endeavor to overcome the parliamentary handicaps strewn in the path of the FEPC appropriation, and to bring it to the floor for discussion and action.

Respectfully yours,

(MRS.) ANNA ARNOLD HEDGEMAN, Executive Secretary
National Council for a Permanent FEPC

This is what some of the leaders of the Nation have said about the need of FEPC:

***President* HARRY S. TRUMAN**

The war is not over. In fact, a bitter and deadly conflict lies ahead of us. To abandon at this time the fundamental principle upon which the Fair Employment Practice Committee was established is unthinkable.

BISHOP G. BROMLEY OXNAM, *President, Federal Council of Churches of Christ*

The right of a worker to be employed and paid solely on the basis of his character and ability is so clear, just and Christian that it should be protected by law.

RT. REV. MSGR. JOHN A. RYAN, D. D., *Catholic Leader*

Discrimination, whether practiced by employees or employers, is definitely immoral . . . as if they committed theft or murder . . .

RABBI STEPHEN S. WISE, *President, American Jewish Congress*

I rest my case for the permanence of the FEPC on one basic truth: Racial, religious discrimination is a denial of democracy and is of the essence of fascism.

REV. WILLIAM H. JERNAGIN, *President, Fraternal Council of Negro Churches*

Jobs and security must be provided for all our citizens if we expect our institutions of freedom to survive.

WILLIAM GREEN, *President, American Federation of Labor*

The American Federation of Labor calls for prompt and unequivocal congressional action in continuing the FEPC as an essential tool of industrial democracy in the difficult days of re-

This is what some of the leaders of the Nation have said about the need of FEPC:

President HARRY S. TRUMAN

The war is not over. In fact, a bitter and deadly conflict lies ahead of us. To abandon at this time the fundamental principle upon which the Fair Employment Practice Committee was established is unthinkable.

BISHOP G. BROMLEY OXNAM, *President, Federal Council of Churches of Christ*

The right of a worker to be employed and paid solely on the basis of his character and ability is so clear, just and Christian that it should be protected by law.

RT. REV. MSGR. JOHN A. RYAN, D. D., *Catholic Leader*

Discrimination, whether practiced by employees or employers, is definitely immoral . . . as if they committed theft or murder . . .

RABBI STEPHEN S. WISE, *President, American Jewish Congress*

I rest my case for the permanence of the FEPC on one basic truth: Racial, religious discrimination is a denial of democracy and is of the essence of fascism.

REV. WILLIAM H. JERNAGIN, *President, Fraternal Council of Negro Churches*

Jobs and security must be provided for all our citizens if we expect our institutions of freedom to survive.

WILLIAM GREEN, *President, American Federation of Labor*

The American Federation of Labor calls for prompt and unequivocal congressional action in continuing the FEPC as an essential tool of industrial democracy in the difficult days of readjustment ahead.

PHILLIP MURRAY, *President, Congress of Idustrial Organizations*

It is unthinkable that the Congress, by destroying the present FEPC, or refusing to establish a similar permanent agency, should now serve notice on the other nations that we were not sincere at San Francisco.

Partial List of National Organizations Supporting Federal Fair Employment Practice Legislation

Alpha Kappa Alpha Sorority
American Association of University Women
American Civil Liberties Union
American Friends Service Committee
American Jewish Committee
American Jewish Congress
American Unitarian Association
American Unitarian Youth
B'nai B'rith
Catholic Interracial Council
Central Conference of American Rabbis
Common Council for American Unity
Congregational Christian Churches (Council for Social Action)
Congress of Industrial Organizations
Delta Sigma Theta Sorority
Evangelical and Reformed Church, General Synod
Federal Council of the Churches of Christ in America
Fraternal Council of Negro Churches in America
Improved Benevolent & Protective Order of Elks of the World
International Brotherhood of Sleeping Car Porters (AFL)
International Ladies Garment Workers Union of America (AFL)
Iota Phi Lambda Sorority
Jewish Labor Committee
Jewish War Veterans of the United States
League of United Latin American Citizens
March on Washington
Methodist Church, General Conference
Methodist Ministers' Union
Millinery Workers, Joint Board (AFL)
National Alliance of Postal Employes
National Association for the Advancement of Colored People
National Association of Colored Graduate Nurses
National Bar Association
National CIO Committee to Abolish Racial Discrimination
National Community Relations Advisory Council
National Conference of Christians and Jews
National Consumers League
National Council of Catholic Women
National Council of Jewish Women
National Council of Negro Women
National Council of Student Christian Associations
National Council for a Permanent FEPC
National Farmers Union
National Federation for Constitutional Liberties
National League of Women Shoppers
National Negro Insurance Association
National Urban League
National Women's Trade Union League of America
Negro Newspaper Publishers Association
Postwar World Council
Presbyterian General Assembly
Sigma Gamma Rho Sorority
Southern Conference for Human Welfare
Southern Tenant Farmers Union
Study Conference on Just and Durable Peace
Union of American Hebrew Congregations
Union for Democratic Action
United Automobile Workers of America (CIO)
United Council of Church Women
Upholsterers International Union of North America (AFL)
Women's Division of Christian Service, Methodist Church
Women's Division of the American Jewish Congress
Women's International League for Peace and Freedom
Workers Defense League
Young Men's Christian Association, National Board
Young Women's Christian Association, National Board

An Appeal to the Public

If you would like to support the campaign to continue FEPC, we would appreciate your contribution:

Enclosed is my contribution of $_____ for your work in support of federal fair employment practice legislation.

Name _____

Address _____

NATIONAL COUNCIL FOR A PERMANENT FEPC

930 F Street N.W., Washington 4, D. C.

Honorary Chairmen:
SENATOR ARTHUR CAPPER
SENATOR ROBERT F. WAGNER

Co-Chairmen:
A. PHILIP RANDOLPH
DR. ALLAN KNIGHT CHALMERS

Summary of F. E. P. C. Bill . . .

Are Repressive to Youth

[illegible] to promote the general welfare [illegible] and our constitution and [illegible] to shield from the prejudice of [illegible] the constitution of the United States. There has been steps to the point where those searching for the equality of colored people, and for a higher standard of living for their offspring, were those of minority in age and with the outbreak of world war II, living through a period when even those of adult maturity were forced to become prey to one eighty youth and political body organization in the world.

It is no longer necessary for youth to be protected under the [illegible] Fair Labor Standards Act that there be equal opportunities and wages given [illegible] to insure their standard of living. However there are still [illegible] to be overcome before this can be a reality. It is necessary for [illegible] to be informed as to the nature of any [illegible] in progress or in the [illegible]

[illegible] has been set up a [illegible] Washington [illegible] Congress [illegible] a bill [illegible] A. C. youth [illegible] has asked to appear and [illegible] organizations and public [illegible] are urged to write their [illegible] and urge them to vote for this bill. [illegible] F. E. P. C.

[illegible] Washington [illegible] Senators are [illegible] Washington, D. C.

[illegible] Washington, D. C.

[illegible] JOHNSON, TOLLEFSON, and [illegible] Republicans

[illegible] ANDERSON, Democrats

White House of Representatives
Washington, D. C.

N. Y. FEPC a Success

Since the passage of the New York State FEPC many advances have been made by colored workers. Mr. Randolph stated that many of the larger department stores in downtown N. Y. had employed sales girls, also city, state and federal government many industries had opened its doors to minority people, and that there had been very little opposition when workers discriminated against were handled as with the FEPC law.

With opportunities for decent jobs young colored men have been encouraged to attend such great schools as the Massachusetts Institute of Tech.

The N. Y. FEPC law is a pattern that must be followed through with the passage of the National FEPC bill.

EVERYBODY MUST SUPPORT FEPC

The N A A C P & F E P C

We ask all in the NAACP committee the National F E P C bill. While the Executive Secretary is a member of the board of directors, the [illegible] Assistant Secretary of the NAACP has been named chairman of the committee. [illegible] are appointed as [illegible] and [illegible] are urged to [illegible] and urge them to vote [illegible] bill. [illegible] F. E. P. C.

Letcher Yarborough, pres. of the Juvenile NAACP is a speaker of the week [illegible]

Our leaders have power, their ability to vote to pass the bill, now it is up to every colored man and woman to give their all and support.

LET US NOT WAIT UNTIL IT IS TO LATE. NOW IS THE TIME.

The Structure of P E P C

The Democratic Party is an equal opportunity Party. Each Democrat has the right to attend his Precinct Caucus, to participate in the Party Organization, to vote for the candidate of his choice, to be a delegate to the County, District, State and National Conventions, and to be a candidate for Party office.

The Precinct Committeeman is the basic unit of the Democratic Party. He is elected at the Precinct Caucus held every even-numbered year on the first Tuesday after the first Monday in March. He is a member of the County Central Committee and represents the grassroots membership.

The County Central Committee is composed of all Precinct Committeemen and Committeewomen in the County. The County Committee elects a County Chairman, Vice-Chairman, Secretary, Treasurer and Executive Committee. The County Committee is responsible for the organization and operation of the Party within the County. It is the County Committee which calls the County Convention, which is the highest authority in the County Party organization. The County Convention elects delegates to the State Convention and to the Congressional District Convention, and adopts resolutions which express the views of the Party membership on matters of public concern.

The State Central Committee is composed of two members (a man and a woman) from each County in the State. The State Committee elects a State Chairman, Vice-Chairman, Secretary, Treasurer and Executive Committee. The State Committee is responsible for the organization and operation of the Party within the State. It is the State Committee which calls the State Convention, which is the highest authority in the State Party organization. The State Convention elects delegates to the National Convention, and adopts resolutions which express the views of the Party membership on matters of public concern.

The National Committee is composed of two members (a man and a woman) from each State, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands. The National Committee elects a Chairman, Vice-Chairman, Secretary, Treasurer and Executive Committee. The National Committee is responsible for the organization and operation of the Party within the United States. It is the National Committee which calls the National Convention, which is the highest authority in the National Party organization. The National Convention elects the President and Vice-President of the United States, and adopts resolutions which express the views of the Party membership on matters of public concern.

The Democratic Party is an equal opportunity Party. Each Democrat has the right to attend his Precinct Caucus, to participate in the Party Organization, to vote for the candidate of his choice, to be a delegate to the County, District, State and National Conventions, and to be a candidate for Party office.

As a member of the Democratic Party, you represent the grassroots membership.

Likewise, the Democratic Party Convention delegates represent the Party membership and express their views on Party matters. Every Democrat should attend his Precinct Caucus and participate in the Party Organization.

P.E.P.C. (Precinct Committeeman) is the key to being involved in the Party. A certain number of the Democratic Party will not support the Party. It will only be a minority.

The Democrats who pretend to fight for minority rights but have proven in every election that they take advantage of any chance to foster their political ambitions which are quite contrary to minority rights.

We Democrats, realize that the Party is an extension of the citizen and national Democratic Party. We are aware of Progress, Democracy and only selected as representatives of the Full Employment Practice policy of the Party. Democrats are dedicated to the principles of the Democratic Party and support the interests of the people of the State of Washington.

The National Guard has been called in to maintain order in the streets, and the governor has declared a state of emergency. Many people are still angry and confused, and the situation is tense.

Washington State
Council for National P. E. P. C.
Mount Rainier 48-A68

My Contribution is $_____

Name _____

Mail to _____

Washington State Council for PEPC
104 1-2 Fourth Ave So. MA. 9782
Seattle, Washington

Part of World Wide Network

Under the leadership of Henry and Pamela Kennedy, people all over the world are participating in the Party. They are the backbone of the Party. They are the ones who make the Party work. They are the ones who make the Party strong. They are the ones who make the Party great.

The Democratic Party is an equal opportunity Party. Each Democrat has the right to attend his Precinct Caucus, to participate in the Party Organization, to vote for the candidate of his choice, to be a delegate to the County, District, State and National Conventions, and to be a candidate for Party office.

As a member of the Democratic Party, you represent the grassroots membership.

Likewise, the Democratic Party Convention delegates represent the Party membership and express their views on Party matters. Every Democrat should attend his Precinct Caucus and participate in the Party Organization.

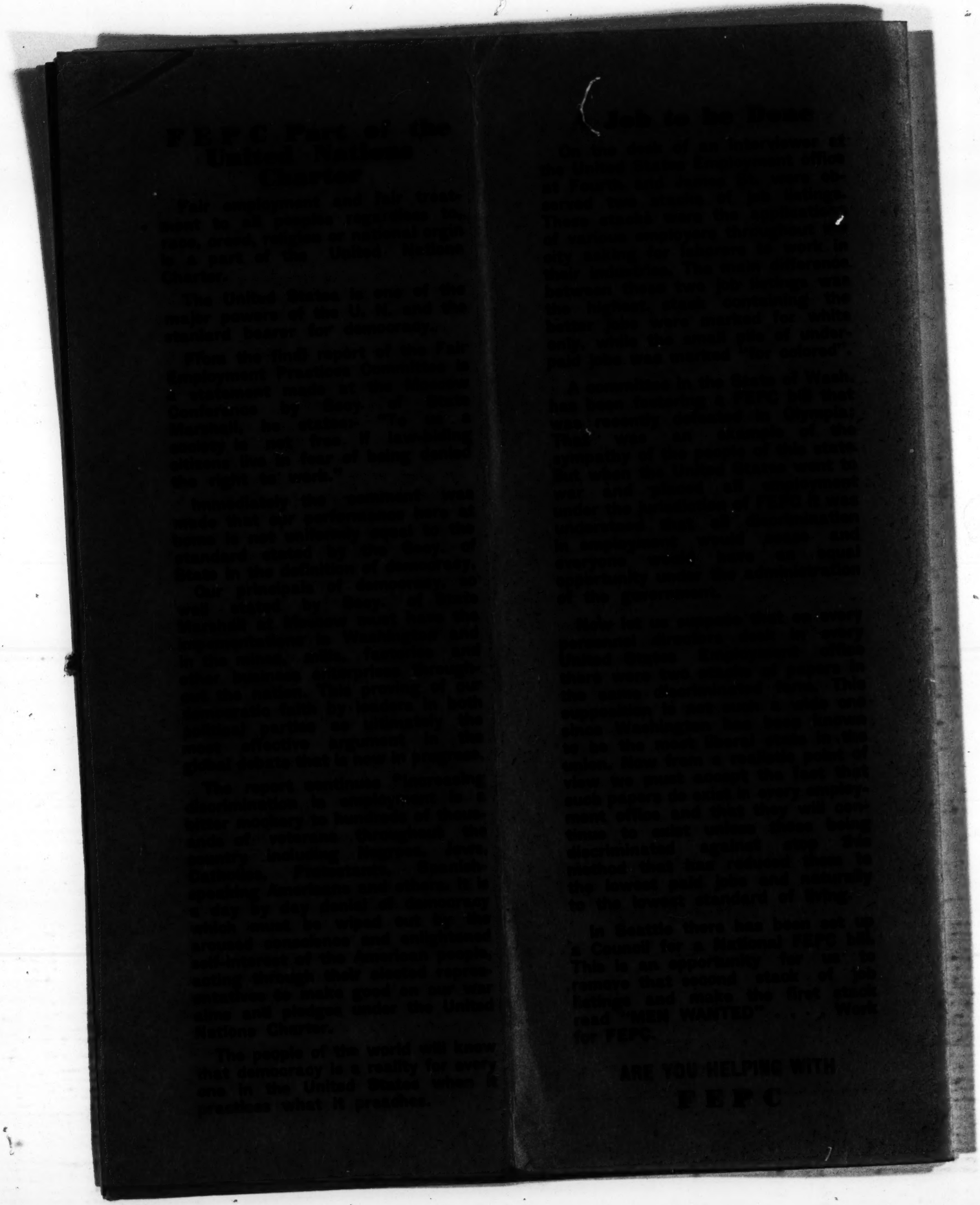
P.E.P.C. (Precinct Committeeman) is the key to being involved in the Party. A certain number of the Democratic Party will not support the Party. It will only be a minority.

The Democrats who pretend to fight for minority rights but have proven in every election that they take advantage of any chance to foster their political ambitions which are quite contrary to minority rights.

We Democrats, realize that the Party is an extension of the citizen and national Democratic Party. We are aware of Progress, Democracy and only selected as representatives of the Full Employment Practice policy of the Party. Democrats are dedicated to the principles of the Democratic Party and support the interests of the people of the State of Washington.

The National Guard has been called in to maintain order in the streets, and the governor has declared a state of emergency. Many people are still angry and confused, and the situation is tense.

Council has been rallied around Kennedy leaders. Everyone who has committed themselves to help for the enactment of this vital legislation.



What F. E. P. C.

Means to You

A [illegible] YOUTH CONFERENCE

[illegible]

F.E.P.C.

and

Tomorrow's

New Americans

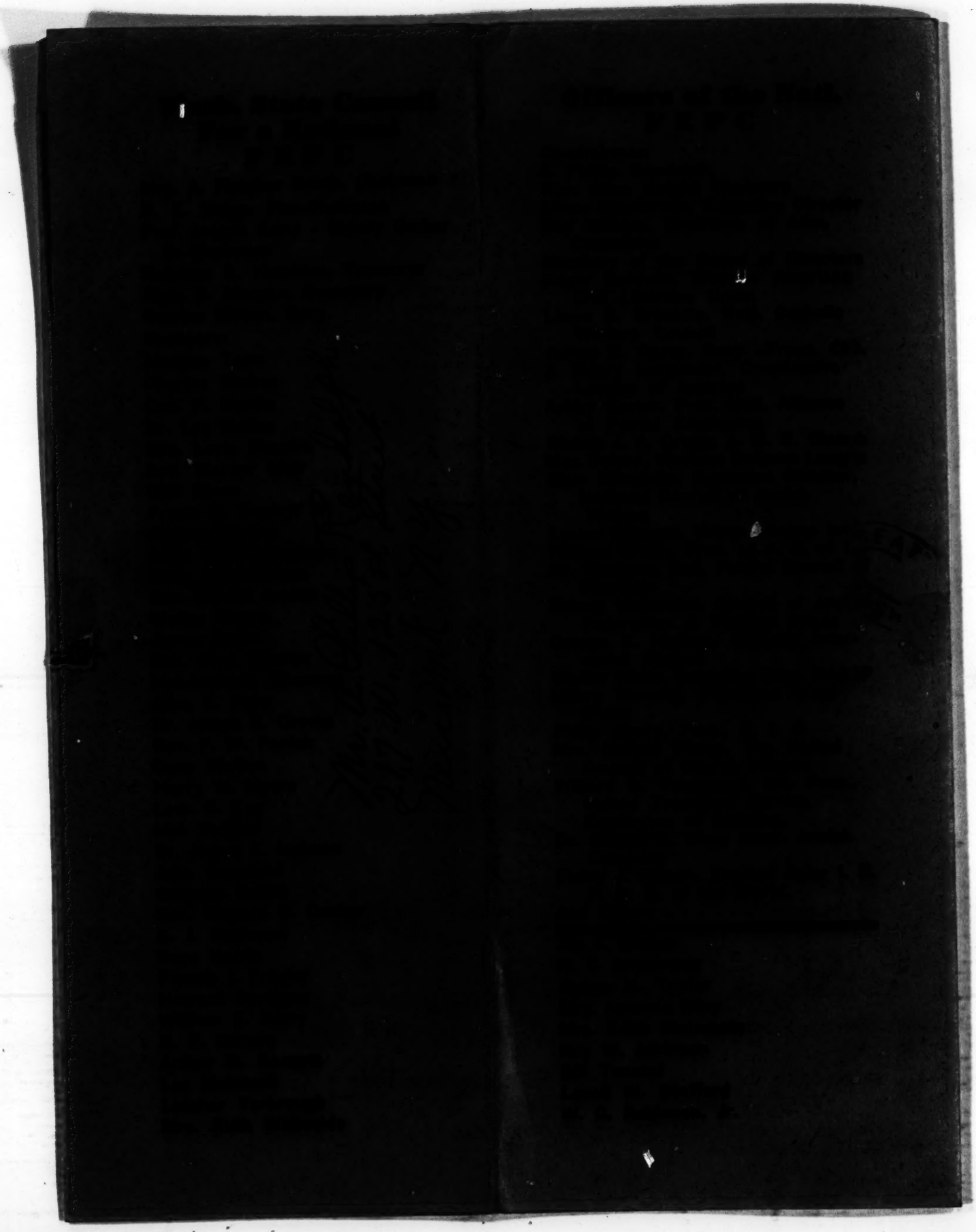
21st and EASTLAKE

SPONSORED BY

SEATTLE COUNCIL FOR A NATIONAL F. E. P. C.

Through the INTER-COLLEGIATE & CIVIC LEAGUES and N. A. A. C. P.

YOUTH COUNCIL



Washington State Council For A National F. E. P. C.

1021 FOURTH AVENUE SOUTH
SEATTLE 4, WASH.

Phones: MA. 9762
SE. 2894
EA. 4734

National Chairman
A. PHILLIP RANDOLPH

Chairman: Mrs. A. Fletcher Booth
Vice Chairman: E. C. Ridge
Co-Chairmen: Prof. Joseph Kane
Sidney Gardner
Treasurer: Hutchen R. Hutchins
Secretary: Alma B. Morgan

Sponsors:
Dr. Lee Mellon
Mrs. Lewis Shapiro
Rev. Werner Mark
Cliff Sears
Frank E. Bayley, Jr.
Charles Mathis
Atty. Rollo Houghton
Mary Pemberton
Rev. Harold Jensen
Walter Morris
James Hanna
Rev. Fred Shorter
Mrs. Augusta Shannon
John E. Price
Dr. James E. Graves
Rev. F. W. Postell
Gene Wellon
Harry W. Myers
Lew. O. Kay
Adel Vertner
Dr. James E. Jackson
John Copeland
Simeon Bellis
Rev. Richard D. Dunbar
E. I. Robinson
Ross Harris
Francis I. Fowler
Howard Costigan
William E. Darry
N. P. Dotson
Arthur G. Barnett
Lee Meldrum
Letcher Yarbrough
Mrs. Ruth Whiteside
Joe I. Staton
H. C. Armstrong
James H. Taylor
Mrs. Amanda Bibey
Mrs. Edith Steinmetz
Ray W. Atkinson
Bill Tonsid
Lowell W. Stafford

May_____, 1947

Dear Friend:

We are writing to advise you that we have recently organized a Washington State Council for National FEPC. We will send you a pamphlet with more detailed information about the work of the Council in the near future.

The local branch of the Council was organized in Seattle by Mr. A. Phillip Randolph during his recent visit. The purpose of the Council is to bring pressure on our Congress to pass a law against discrimination in employment because of race, creed, color or national origin. It is our hope that Seattle citizens will support this important legislation by (1) making financial contribution to the Council and (2) sending letters to congressmen urging them to support the bill.

The bill (S. 984 in the Senate, HR. 2820 and 2824 in the House) was introduced in Congress on March 27. The sponsors include: Senators Ives, (R., N.Y.); Chavez (D., N. Mex.); Downey (D., Calif.); Morse (R., Ore.); Murray (D., Mont.); Myers (D., Pa.); Saltonstall (R., Mass.); and Smith (R., N. J.); and in the House of Representatives Fulton (R., Pa.); and Norton (D., N.J.).

The bill has been streamlined to increase likelihood of passage, but without weakening the provisions for enforcement. It has the support of all minority groups and of labor, church and civic welfare groups. Both major parties are pledged to Fair Employment. The UN Charter obligates the U. S. A. to Fair Employment.

You may secure more detailed information regarding the proposed legislation by calling Mrs. A. Fletcher Booth, Chairman of the local FEPC Council, EAst 4734, or Mr. H. R. Hutchins, Treasurer, MAin 9762. Written inquiries may be directed to the local FEPC Council at 1021 Fourth Avenue South.

Seattle must raise $5,000.00 in this campaign. With hundreds of groups already sending checks in and many individuals sending money and checks, our quota should be filled. Have your club or group to set up FEPC Committees and send a check immediately.

Please state what Committees your members can serve on.

Sincerely yours,

A. FLETCHER BOOTH,
Chairman

NC - FEPC Literature

CATHOLICS AND THE F.E.P.C. CASE

An Analysis of Catholic Teaching and Discrimination in Railroad Employment Against Negroes

REV. GEORGE HIGGINS

ON November 13, 1943, the Administrative Board of the National Catholic Welfare Conference, at the direction of the Archbishops and Bishops who attended the annual meeting of the Hierarchy in Washington, issued an important statement "on the essentials of a just peace." While this statement, quite naturally, was vitally concerned with the pressing problems of international relations, it did not neglect the equally important social and economic problems which face us at home. Significantly enough, the Archbishops and Bishops singled out one of these domestic problems in particular for special consideration and special emphasis—the problem of extending equal justice to all groups of American citizens, regardless of race, color, creed, or national origin. "It would be inconsistent," the Hierarchy said, "to promote a world reconstruction in which all nations, great and small, powerful and weak, would enjoy their rights in the family of nations, unless in our own national life we recognize an equality of opportunity for all our citizens and willingly extend to them the full benefits of our democratic institutions."

The statement continues:

> In the Province of God there are among us millions of fellow-citizens of the Negro race. We owe to these fellow-citizens, who have contributed so largely to the development of our country, and for whose welfare history imposes on us a special obligation of justice, to see that they have in fact the rights which are given them in our Constitution. This means not only political equality, but also fair economic and educational opportunities, a just share in public welfare projects, good housing without exploitation, and a full chance for the social advancement of their race. . . .

In thus singling out the plight of the American Negro (along with that of the Spanish-speaking population of the United States), the Hierarchy was acting in accord with the express desire of His Holiness, Pope Pius XII, for in his Encyclical, *Sertum Laetitiae,* Pius writes as follows: "We confess that we feel drawn by a strong impulse of charity, under God's guidance, towards your neighbors of the Negro race; We know how their religious and intellectual development calls for, and deserves, special and considerate care. For this reason We pray for God's assistance and wish every blessing to those who are generously devoting themselves to this cause."

The American Hierarchy, then, insists, as the teaching body of the Church in the United States, that economic equality must be extended to our Negro brothers in Christ.

It would not be an exaggeration to say that no single agency in our national history has ever held out such promise of achieving this goal as does the President's Committee on Fair Employment Practice, popularly known as the F. E. P. C. Surely it must be gratifying to the members of this committee, as to all fair-minded American citizens, that at a time when its very existence seems in jeopardy, the Catholic Bishops and Archbishops should give their blessing to the principles which the committee is pledged by its oath of office to apply.

Before considering the current difficulties with which the committee is faced, it will be well to trace briefly the more recent steps by which the Government has arrived at its national policy of non-discrimination in industry.

As early as 1940 the United States Office of Education announced that "in the expenditure of Federal funds for vocational training for defense, there should be no discrimination on account of race, creed or color." The Congress, in passing legislation for defense training in October, 1940, expressly provided that: "No trainee under the following appropriation shall be discriminated against because of sex, race or color. . . ."

Early in 1941 the Office of Production Management sent a special letter to all holders of defense contracts asking the removal of bans against qualified and competent Negro workers in defense industries. This letter was endorsed by President Roosevelt, who wrote to OPM, saying:

> Our Government cannot countenance continued discrimination against American citi-

zens in defense production. Industry must take the initiative in opening the doors of employment to all loyal and qualified workers regardless of race, creed, color or national origin. American workers, both organized and unorganized, must be prepared to welcome the general and much-needed employment of fellow-workers of all racial and nationality origins in defense industries.

This was followed in June, 1941, by Executive Order 8802, which set up the Committee on Fair Employment Practice. Among other stipulations, this order provided that: "All contracting agencies of the Government of the United States shall include in all defense contracts hereafter negotiated by them a provision obligating the contractor not to discriminate against any workers because of race, creed, color, or national origin."

This executive Order also recognized that discrimination in employment was not limited to discrimination against Negroes but that it victimized some workers because of their religious connections, and others because of their national origins.

On May 27, 1943, President Roosevelt signed Executive Order No. 9346, which strengthened the previous anti-discrimination order and changed the structure of the Fair Employment Practice Committee. The committee today is composed of three representatives of organized labor and three representatives of industry, with a public member serving as chairman.

Msgr. Francis J. Haas of The Catholic University of America was appointed chairman of the reorganized committee, in accordance with Executive Order No. 9346, a position in which he served with conspicuous competence and success until October 18, when he resigned to become the sixth Bishop of the Diocese of Grand Rapids. He was succeeded in office by his deputy chairman, Mr. Malcolm Ross.

In his final press conference, Msgr. Haas, in summarizing the work of the committee to date, was able to say that progress had been made but was likewise constrained to warn that there was still a big job ahead. The magnitude of this job is starkly illustrated by a recent statement of the new chairman, Mr. Ross: "A member of a minority group has one-eighth as good a chance of getting placed in skilled or semi-skilled occupations as a member of a majority group."

Today, just two months after Msgr. Haas' press conference, the committee is facing the crisis which all of its friends and enemies have predicted that it must inevitably face sooner or later: its legal and constitutional jurisdiction and power have formally been called into question. This long-awaited challenge was issued on December 13, 1943, by the Southern Railroads which had been directed by the committee on December 1, 1943, to set aside their Southeastern Conference Agreement of February, 1941. The F. E. P. C. had found, in long and careful public hearings through September 15-18, that this agreement, entered into by the railroads with the Brotherhood of Locomotive Firemen and Enginemen, had as its sole purpose and effect "to restrict the employment opportunities of Negro firemen solely because of their race." It should not be supposed that the "findings" required any nice balancing of evidence on the part of the committee. Actually, both the carriers and the unions had admitted freely before the hearings began that the purpose of the agreement was to prevent Negroes from working in the employments in question.

In relation to the railroad companies, the committee directed: That the carriers instruct all agencies through whom they employ workers that they will in the future accept needed workers in all classes of employment without discrimination; that no new agreements between the carriers and the unions may contain discriminatory clauses; that each carrier found guilty of discriminatory practices report to the committee within thirty days what steps it has taken to insure fair practices.

In relation to the unions, the committee found them guilty of many discriminatory practices against Negro workers. A frequent charge against a union was that "it denies them membership in its organization; refuses them any voice or part in the negotiation of agreements . . . and refuses to represent them in respect to their grievances." In each instance the committee ordered the union to cease and desist from such practices.

In their reply to these directives, the Southern Railroad argued that "any attempt on their part to comply with those directives, for instance, to promote Negroes to locomotive engineers or train conductors, would inevitably disrupt their present peaceful and cooperative relations with their employes, would antagonize the traveling and shipping public served by them, would substitute conditions of chaos for the present condition of harmony, would result in stoppages of transportation and would most gravely and irreparably impair the whole war effort of the country." Among other arguments, the railroads contended that the committee, in dealing with problems of collective bargaining in the railroad industry, was arrogating to itself jurisdiction which properly belongs to the administrators of the Railway Labor Act. In concluding their reply, the railroads flatly repudiated the authority of the committee.

At the time of writing, the reply of the railroad unions, supporting the attitude of the carriers, had not been submitted, but was expected momentarily.

Mr. Malcolm Ross, in his very able reply to this challenge, said in part:

> Their letter (the letter of the Southern Railroads) now makes a bid for public disapproval of F. E. P. C. by viewing with alarm alleged pretentions of Negroes to be engineers and conductors. The plain fact is that this issue—necessarily covered because complaints were received and no rebuttal offered—is dormant and could remain so if the railroads offer justice to Negro railroad men in the classifications where reason and public policy both demand it. Certainly it is not the part of candor to seize upon the most delicate issue in order to avoid the many basic problems squarely placed before the railroads.

The issue which has been raised so starkly by the ultimatum of the Southern Railroads will have to be resolved by President Roosevelt. Because the F. E. P. C. was created by Executive Order and not by congressional statute, it has no way of enforcing its directives. It will be recalled that the War Labor Board was in a similar situation last summer before passage of the War Labor Disputes Act, which provided sanctions. (At the present time a bill to make the F. E. P. C. a statutory body is being pushed in the Congress by one of the Representatives from the State of New York.)

There are several avenues open to the President in his disposal of this very important controversy. He could go to court with the request for a bill of equity to seek enforcement. He could take over the railroads which refuse to carry out the directives of the F. E. P. C. Either he, or the F. E. P. C., could recommend that Federal agencies impose penalties. For example, the Railroad Retirement Board might be asked to refrain from referring jobseekers to the affected carriers and the War Production Board and the various procurement agencies might be requested to cancel contracts with them. All of the above procedures, however, are regarded as unlikely, because they would doubtless interfere with the prosecution of the war. It remains to be seen what solution the President may be able to devise in consultation with the Attorney General, Mr. Francis Biddle.

It is not the intent of this article to enter into the technical details of the problem of enforcing the directives of the F. E. P. C. It would seem clear, however—particularly in the light of the recent forthright statement of the Hierarchy—that Catholics must hope for and work for a solution which will give the fullest measure of justice to our Negro brothers and to the members of all minority groups. We may reasonably dispute about certain procedures of such a committee, but there can hardly be any legitimate disagreement about the soundness of its purpose.

The purpose of the F. E. P. C. is very modest, limited as it is to abolishing job discrimination against Negroes, and only for the duration of the war. F. E. P. C. has no jurisdiction over any of the unchristian race discriminations not related to employment in war industries. Assuredly in the restricted field in which it must operate the committee is entitled to wholehearted support of Catholics, and it is to be hoped that when and if a full-length statute is enacted by Congress outlawing the unchristian practices of race discrimination in employment, such legislation and its enforcement will have the warm backing of Catholics. Both the Encyclicals of the Holy Father and the recent pronouncement of the American Bishops hardly leave Catholics with any other choice.

Reprinted from January issue of CATHOLIC ACTION, monthly publication of the National Catholic Welfare Conference

Issued by

National Council for a Permanent F. E. P. C.

217 West 125th Street, New York 27, N. Y.

re-FEPC
bill

End Our Nation's Shame

MAKE FEPC PERMANENT

"The right to work is the right to live"

THE PEOPLE HAVE SPOKEN

but

CONGRESS REFUSES TO ACT

LET'S MAKE CONGRESS GET TO WORK

Congress is letting the people down.

At present the bill to create a permanent Fair Employment Practices Commission is languishing in Committee lacking 42 signatures necessary to discharge the bill.

Recently a small but determined group of Senators prevented FEPC from coming to a vote. This filibuster is all the more reprehensible because a majority of Senators have pledged to vote for FEPC and equal job opportunities for all, regardless of race, creed, color or national origin.

The people, by thousands of letters, petitions, telegrams and delegations have spoken in unequivocal terms—they demand an FEPC

Congress must not be permitted to stand in the way of the people's mandate. Congress must be the instrument for carrying out the will of the people.

Write your Congressman. Tell him "I want you only if you want FEPC." Make democracy work by making your Congressman work for you.

Make it hot for your Representatives and Senators or you'll be out in the cold.

WIPE OUT DISCRIMINATION ON THE JOB

THE NEW YORK COUNCIL FOR A PERMANENT FEPC

2084 SEVENTH AVENUE NEW YORK 27, N. Y.

Phone MOnument 2-3350

Honorary Chairman
ELEANOR ROOSEVELT

Chairman
A. PHILIP RANDOLPH

Steering Committee
Chairman—MAX DELSON

Jules Cohen
Samuel Colton
Ben Davidson
Max Delson
George K. Hunton
Marvin Jager
Reuel M. Jordan
B. F. McLaurin
Morris Milgram
Hilda Siff
Maida Springer
Aldrich Turner
Frank Trager

.....I would like to do my share to keep a strong people's lobby in Washington to put FEPC over and enclose $.....

.....I am interested in the New York Council and would like to know more about it.

Name .....
(Please Print)

Address ..... Phone.....

Make Checks and Money Orders Payable to
NEW YORK COUNCIL FOR A PERMANENT F.E.P.C.

The Right to Work is the Right to Live

FEPC

MADISON SQUARE GARDEN

THURSDAY, FEB. 28th at 7:30 p.m.

ENTERTAINMENT...PROMINENT SPEAKERS . . . DRAMA

Tickets available at

NEW YORK COUNCIL FOR A PERMANENT FEPC

2084 Seventh Avenue
New York 27, N. Y.

242 East 14th Street
New York 3, N. Y.
GRamercy 7-9146

Room 1533
9 Rockefeller Plaza
New York 20, N. Y.

TICKETS: 60c-$1.20-$1.80 and $2.40

NC-FEPC - Inf

NATIONAL COUNCIL FOR A PERMANENT F. E. P. C.

Honorary Chairmen
Sen. Arthur Capper
Sen. Robert F. Wagner

Co-Chairmen
A. Philip Randolph
Rev. Allan Knight Chalmers

Treasurer
Wm. Jay Schieffelin

Secretary
Mrs. Alice Stark

Executive Committee

Sam Baron
Linna E. Bresette
George E. Brown
H. A. Dawson
Thurman L. Dodson
Rabbi Sidney E. Goldstein
Sidney Hollander
George K. Hunton
Thomasina T. Johnson
Nathaniel Minkoff
Rev. James Myers
Mrs. Dorothy Norman
Winifred Raushenbush
Alex Rose
Rt. Rev. John A. Ryan, D.D.
Monroe Sweetland
Noah Walters
Max Zaritsky
Charles S. Zimmerman

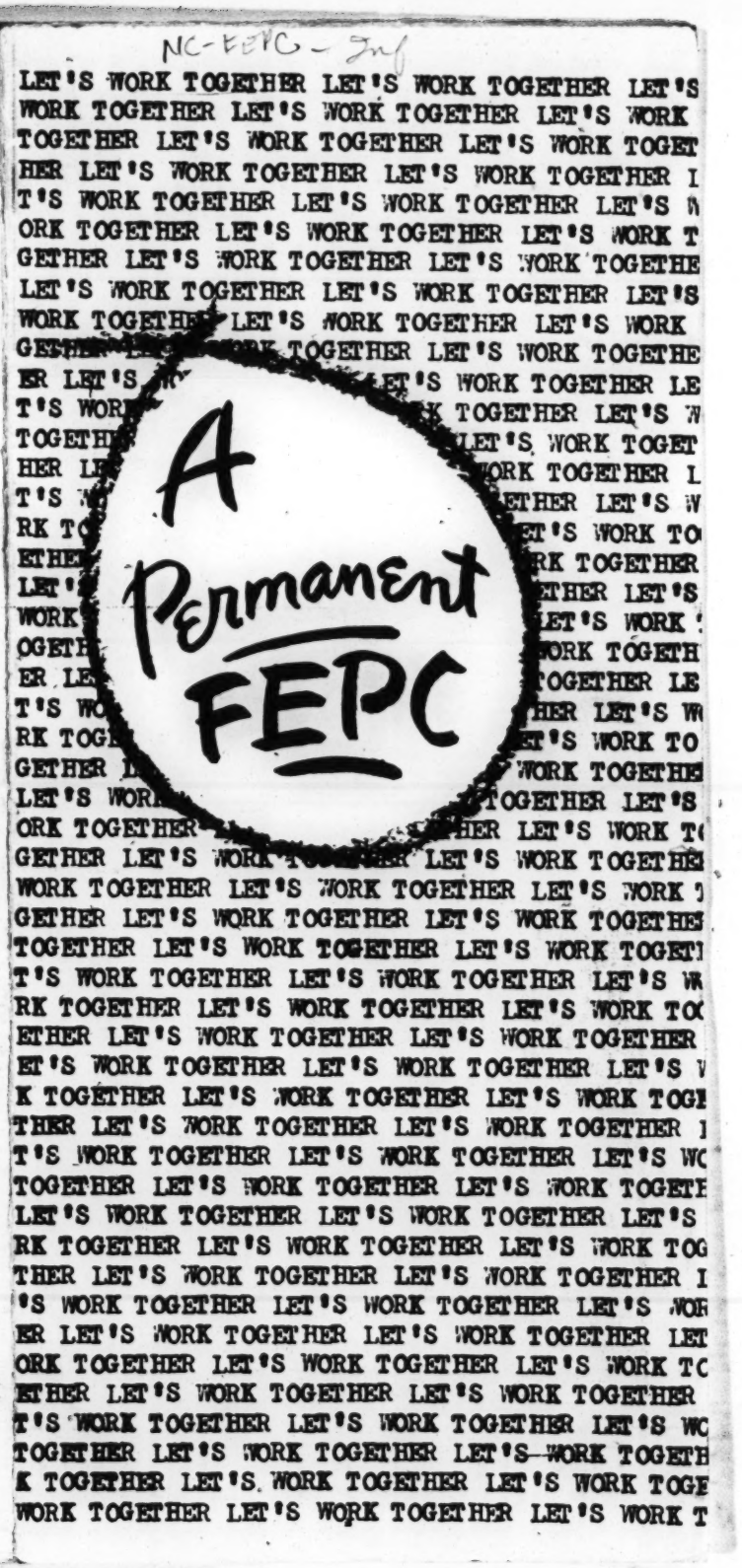
Trade Union Conference Committee

Samuel Wolchok, Chairman
David Dubinsky, Treas.
A. Philip Randolph, Sec.
Sam Baron
Frank Crosswaith
B. F. McLaurin
Abe Miller
Nathaniel Spector
William Wolpert

National Committee

(Partial List)

Irving Abramson
Raymond Pace Alexander
Devere Allen
Mrs. Sherwood Anderson
George Baldanzi
Roger Baldwin
L. F. Birkhead
Bishop James A. Bray
Louis Bromfield
Dorothy Dunbar Bromley
John Brophy
Hon. Charles A. Buckley
Dr. George Buttrick
Hon. Louis J. Capozzoli
Mrs. Allan Knight Chalmers
Leo Cherne
Mrs. Ethel Clyde
William F. Cochran
Hon. John M. Coffee
Dr. Henry Sloan Coffin
Dr. George S. Counts
George Cranmore
Hon. William Dawson
Dr. John Dewey
Hon. Samuel Dickstein
Hon. John D. Dingell
James Dombrowski
Dr. W. E. B. DuBois
Max Eastman
Clark M. Eichelberger
Dr. Albert Einstein
Sam B. Eubanks
Prof. Henry Pratt Fairchild
Father George D. Ford
Dr. Charles W. Gilkey
Sen. Guy M. Gillette
Dr. Frank P. Graham
William Green
Hon. P. W. Griffiths
Sen. Joseph F. Guffey
Bishop Francis J. Haas
Bishop J. Arthur Hamlette
Mrs. Esther Fiske Hammond
Dr. L. O. Hartman
Adolph Held
Carl Holderman
Louis Hollander
Rev. John Haynes Holmes
Dr. Sidney Hook
Fannie Hurst
Dr. Charles S. Johnson
Dr. Mordecai W. Johnson
Helen Keller
Hon. Martin J. Kennedy
Judge Dorothy Kenyon
Freda Kirchwey
Hon. Arthur G. Klein
Judge Anna M. Kross
Father John LaFarge
Mayor Fiorello H. LaGuardia
Sen. William Langer
Dr. Max Lerner
Marx Lewis
Hon. Robert Morss Lovett
Most Rev. Robert E. Lucey
Eugene Lyons
Horace Mann
Dr. Thomas Mann
James Marshall
Emil Mazey
Dr. Karl Menninger
Homer L. Morris
Bishop Arthur Moulton
Carl Murphy
Philip Murray
A. J. Muste
Reinhold Niebuhr
Louis Nelson
Pres. William A. Neilson
Dr. Henry Neuman
Hon. George E. Outland
Bishop Edward L. Parsons
Bishop C. H. Phillips
Mrs. Cornelia B. Pinchot
Hon. Justine Wise Polier
C. B. Powell
Bishop R. C. Ransom
Dr. Ira De A. Reid
Rev. Frederick E. Reissig
Victor Reuther
Walter Reuther
Elmer Rice
Hon. Adolph J. Sabath
Hon. George G. Sadowski
Rabbi Abraham Shusterman
Mary K. Simkhovitch
Arthur B. Spingarn
Norman Thomas
R. J. Thomas
Dr. Channing Tobias
Oswald Garrison Villard
Hon. Samuel A. Weiss
Dr. Mary E. Woolley
Wendell L. Willkie
James Waterman Wise
Bishop R. R. Wright



A MAN HAS GOT A RIGHT TO MAKE A LIVING!

That doesn't mean anything unless he is given the right to take a job . . . any job he measures up to . . . without any ifs, ands or buts!

The right to take a job must be Every Man's . . . and that goes for Jews, Catholics, Negroes, Mexicans or what have you . . . because every one of them is a man . . . and altogether they are Everyman!

AND WHEN THE IDEA OF A PERMANENT F. E. P. C. BECOMES THE LAW OF THE LAND . . .
THAT'S WHAT IT WILL SAY!

WHAT YOU CAN DO TO HELP—

EDUCATION: Help sell the need of a Permanent F. E. P. C. to your friends, neighbors and community organizations.

ACTION: Send letters, postcards, telegrams to the President, your Senator and your Congressmen, backing up F. E. P. C. Urge their support for our bill for a Permanent F. E. P. C. Stress need of the F. E. P. C. NOW and in the post-war world.

COOPERATION: Write us for literature, suggestions for forming groups, for radio programs and helpful material or information. Also, tell us what you're doing.

CONTRIBUTION: SEND THE NATIONAL COUNCIL FOR A PERMANENT F. E. P. C. YOUR CONTRIBUTION NOW. HELP FORGE A PERMANENT F. E. P. C.! Tear out the coupon and mail immediately.

LET'S WORK TOGETHER

National Council for a Permanent F. E. P. C.
217 West 125th Street — Room 301
New York 27, New York

I am happy to work together with you for a Permanent F. E. P. C.

Enclosed is my contribution of $..... for this work.

Name.....

Address.....

.....

Photos by O.W.I.

THE OBJECTIVES OF THE NATIONAL COUNCIL FOR A PERMANENT F.E.P.C. ARE:

(1) To promote in every possible way the establishment of equal opportunity for employment, to secure hiring with due regard to the already existing skills and experience of the applicant, equality of wages for the same work, and the full right of up-grading employees within industries regardless of race, creed, color or origin.

(2) To bring about the establishment of a permanent Federal Fair Employment Practice Committee.

(3) To carry on an educational campaign, nationally and locally, to further the Council's objectives.

WHY DO WE NEED A

To the Fair Employment Practice Committee has fallen one of the most vital home-front assignments of the war program — the task of making all our precious supply of labor serviceable to the war effort, of seeing to it that its flow is not interrupted by racial or religious discrimination.

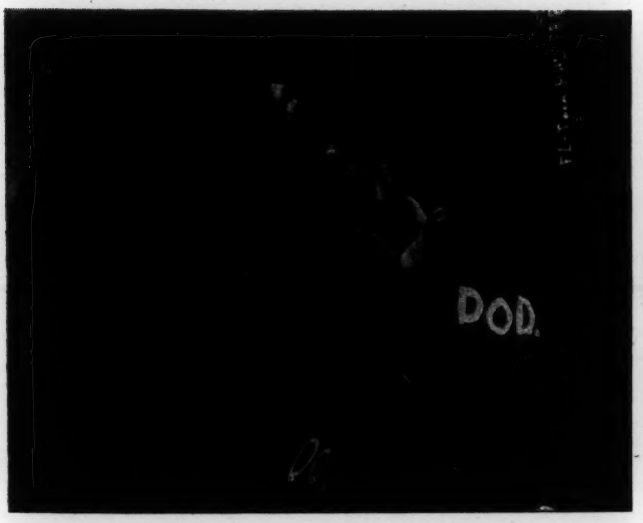
Despite the tremendous importance of its work, the F. E. P. C. has had extreme difficulty in clearly establishing its status and in obtaining the means necessary to discharge its duties and responsibilities. It has been transferred from one government agency to another. It has seen its carefully-prepared and publicly-announced hearings arbitrarily called off. It has found dual and overlapping arrangements for dealing with questions of discrimination existing in other Federal departments. It has been prevented from carrying on a much-needed educational and public relations program by refusal of funds It was nearly hamstrung by the Comptroller General, who unsuccessfully contended that the non-discrimination clause prescribed by the Executive Order did not necessarily have to be written into government contracts.

After nearly two hectic years it has been able to make a start at tackling the specific job for which it was set up — eliminating discrimination where it is most deeply entrenched, in war-vital industries like transportation, ship-building and communications.

Today the challenge to its authority by the forces of reaction, as typified by the southern railroads and their "lily-white" brotherhoods, the Boilermakers' Union, and the monopolistic telephone systems — constitutes a critical test not only for the F. E. P. C. but for the Federal government as a whole — a test as to whether the American brand of democracy can fulfill its promise of freedom and equality for all men.

WHAT HAS F. E. P. C. D

- In the first eighteen months of its existence the Presi handled nearly 10,000 individual complaints of discr
- Its current case load varies from 1,500 to 2,000, of per month.
- Through public hearings the Committee has opened employment of many valuable workers from minority had closed their doors.
- It has tackled the sprawling railroad empire and ord have immobilized many of the nation's finest railr
- It has exposed to public view the shameful tactics "white only" policies despite the war's demand for
- It has secured cooperation from enlightened employe difficulties and eliminating outworn prejudices again
- It has courageously ripped the cover off the problem
- It has stamped discrimination as the denial of the can life.
- Because of all these, the F. E. P. C. has been effecti granted it.



F. E. P. C. FOR VICTOR

PERMANENT F. E. P. C.?

With all its present acknowledged inadequacies, the F. E. P. C. has proved in thousands of successfully-handled cases that there is little if any basis for the professed fear of walkouts, strikes, or violence if discriminatory employment practices are ended. It has demonstrated beyond question that minority workers can be trained, hired and promoted with ease and smoothness if the problem is tackled with intelligence and understanding. It has pointed out to other government agencies, as well as to management and to labor, that each has a responsibility for working toward the elimination of discriminatory employment practices.

This assignment of winning industrial democracy for America's workers is far from being completed. Even the most optimistic will agree that it will be many years before job discrimination based upon race, creed, color and national origin will cease. THE PROB EM WILL BE AGGRAVATED RATHER THAN ALLEVIATED IN THE CRUCIAL POST-WAR PERIOD.

There is ONLY ONE WAY by which the stamping out of discriminatory employment practices in industry and government can be put on a firm basis. That is through the establishment, directly by Congress, of a Permanent Committee on Fair Employment Practice, empowered to subpoena evidence, to compel attendance of witnesses at hearings, and to enforce its directives through direct punitive action.

The NEED for a permanent Fair Employment Practice Committee, both now and after the war has ended, is manifest. It is equal y obvious that any effort to establish such a Committee will meet with fierce opposition from those very elements which have hampered and all but openly sabotaged the efforts of the present body. The job must be done by the coordinated, concentrated effort of every individual who believes in the right of all qualified men and women to work at their highest skill, and of every organization which hates Fascism enough to fight it wherever it exists.

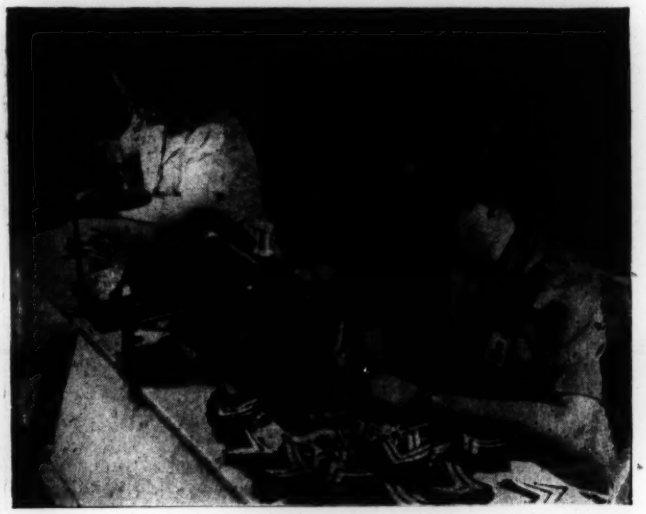
C. DONE ?

he President's Committee on Fair Employment Practice
of discrimination in employment.
00, of which it adjusts an average of approximately 250

opened the mushrooming aircraft industry and increased
minority groups, against whom plane manufacturers once

and ordered it to halt discriminatory practices which
st railroad men because they happen to be Negroes.
tactics of some backward unions which maintained
d for every available worker.
employers and progressive unions in ironing out local
against many segments of our population.
problem of discrimination in employment.
of the exact and equal justice which is basic to Ameri-

effective far beyond the small staff or limited powers



RY AND DEMOCRACY

The Road to Fair Employment

June 25, 1941 — In response to an insistent nation-wide demand, President Roosevelt issued Executive Order 8802, establishing the Fair Employment Practice Committee to eliminate discrimination in war employment. Production jumped, all minorities benefitted, and victory was hastened.

Dec. 30, 1943 — The National Council for a Permanent FEPC was formed to continue in peace what had proved so effective in war.

Jan., 1944 — First Bill for a Permanent FEPC introduced.

June, 1944 — Republican platform pledged "the establishment by Federal legislation of a permanent Fair Employment Practice Commission."

1945 — Bills reintroduced; hearings held, favorably reported.

1946 — Bills strangled by House Rules Committee and Senate filibuster.

June, 1946 — Wartime FEPC dies.

March, 1947 — New FEPC Bill (S. 984 - H. R. 2824), modelled on successful New York law, introduced with broad bipartisan sponsorship.

June, 1947 — Hearings held in Senate; spokesmen for religious, labor, civic and welfare organizations representing a majority of the American people urge speedy enactment of Ives-Chavez-Fulton Bill (S. 984 - H. R. 2824).

Oct. 29, 1947 — "We believe that the time for action is now," President's Committee on Civil Rights, urging immediate FEPC enactment.

Nov., 1947 — National Council for a Permanent FEPC launches new campaign to enact S. 984 - H. R. 2824 in 1948 — BEFORE Congress quits for the political conventions and the 1948 elections.

National Council for a Per

930 F. Street, N.W., Washi

OFFICERS

Honorary Chairm
SENATOR ARTHUR C
SENATOR ROBERT F. W

Co-Chairmen
REV. ALLAN KNIGHT C
A. PHILIP RANDO

Treasurer
WILLIAM JAY SCHIEF

NATIONAL BOARD OF D

ROGER N. BALDWIN
Director American Civil Liberties Union
LINNA E. BRESETTE
National Catholic Welfare Conference
JAMES B. CAREY
Secy., Congress of Industrial Organizations
REV. J. HENRY CARPENTER
Cooperative League of America
ASHBY CARTER
President, National Alliance of Postal Employees
LEO M. CHERNE
Executive Secy., Research Institute of America
ROBERT R. CHURCH
MAX DELSON
New York FEPC Council
EARL B. DICKERSON
THURMAN L. DODSON
MELVYN DOUGLAS
Los Angeles FEPC Council
ELSIE ELFENBEIN
Exec. Dir., National Council of Jewish Women
EDWIN R. EMBREE
President, Julius Rosenwald Fund
HENRY EPSTEIN
Chm., National Community Relations Advisory Council
JUDGE GERALD F. FLOOD
WILLIAM I. GIBSON
FRANK GOLDMAN
President, B'nai B'rith
RABBI SIDNEY E. GOLDSTEIN
LESTER B. GRANGER
Executive Secretary, National Urban League
BISHOP J. A. GREGG
JOHN GREEN
Pres., Industrial Union of Marine & Shipbuilding Workers
WILLIAM GREEN
President, American Federation of Labor
MOST REV.
FRANCIS J. HAAS, D.D.
DR. CAMERON HALL
Exec. Secy., Dept. of Church & Economic Life, Federal Council of Churches
LUCIUS C. HARPER
ADOLPH HELD
President, Jewish Labor Committee
SIDNEY HOLLANDER
CHARLES H. HOUSTON
HUBERT H. HUMPHREY
Vice Chairman, Americans for Democratic Action
GEORGE K. HUNTON
Exec. Secy., Catholic Interracial Council
THOMASINA W. JOHNSON

ALFRE
IRA F.
RUTH
BENJA
Brot
Car
MORR
Exec
Defe
PHILI
Pres
Indu
CECIL
Min
DORO
CHAT
Cha
Vet
JACO
Pre
Clo
JUDG
Pre
Con
WINI
WALT
Pre
Aut
COL.
Nat
Jew
G. HO
BORI
Am
Lab
MRS.
Pre
Chu
MAX
Nat
Cat
RODE
WILL
Pre
Ser
NOA
PHIL
Vic
Wo
WAL
Sec
for
Co
J. FI
Gr
IBE
DR.
Pre
Co
SAM
Pre
De
MAX
Pre
Mi
CHA
Vi
Int
Ge

r a Permanent FEPC

Washington 4, D. C.

ICERS

Chairmen
THUR CAPPER
ERT F. WAGNER

airmen
IGHT CHALMERS
RANDOLPH

surer
SCHIEFFELIN

D OF DIRECTORS

ALFRED BAKER LEWIS
IRA F. LEWIS
RUTH B. LIPPER
BENJAMIN F. McLAURIN
Brotherhood of Sleeping Car Porters
MORRIS MILGRIM
Exec. Secy., Workers Defense League
PHILIP MURRAY
President, Congress of Industrial Organizations
CECIL E. NEWMAN
Minnesota FEPC Council
DOROTHY S. NORMAN
CHAT PATTERSON
Chairman, American Veterans Committee
JACOB S. POTOFSKY
President, Amalgamated Clothing Workers
JUDGE JOS. M. PROSKAUER
Pres., American Jewish Committee
WINIFRED RAUSHENBUSH
WALTER REUTHER
President, United Automobile Workers
COL. MILTON RICHMAN
National Commander, Jewish War Veterans
G. HOWLAND SHAW
BORIS SHISHKIN
American Federation of Labor
MRS. HARPER SIBLEY
Pres., United Council of Church Women
MAX H. SORENSON
National Commander, Catholic War Veterans
RODERICK STEPHENS
WILLARD S. TOWNSEND
Pres., United Transport Service Employees
NOAH WALTER, JR.
PHILIP WEIGHTMAN
Vice-Pres., Packinghouse Workers Union
WALTER WHITE
Secy., National Association for the Advancement of Colored People
J. FINLEY WILSON
Grand Exalted Ruler, IBPOEW
DR. STEPHEN S. WISE
President, American Jewish Congress
SAMUEL WOLCHOK
Pres., Retail, Wholesale & Dept. Store Workers
MAX ZARITSKY
Pres., United Hatters, Cap & Millinery Workers Union
CHARLES S. ZIMMERMAN
Vice-President, International Ladies' Garment Workers

181

What YOU Can Do... To Insure FAIR EMPLOYMENT

THE NATIONAL COUNCIL FOR A PERMANENT

FEPC

WHAT IT IS
WHAT IT DOES
HOW IT WORKS

What It Is . . .

THE NATIONAL COUNCIL FOR A PERMANENT FEPC is an organization of organizations; it comprises national, state and local, religious, labor, civic and welfare groups committed to the enactment of an effective federal fair employment practice law. The Council is the central coordinating and policy-formulating body for the achievement of this objective.

What It Does . . .

THE NATIONAL COUNCIL FOR A PERMANENT FEPC maintains a full time staff in Washington to communicate to members of Congress and to party leaders the demand of the American people for action *NOW* to make the Ives-Chavez-Fulton Bill Against Discrimination in Employment (S. 984 and H. R. 2824) a law.

It maintains a field staff to aid communities in establishing state and local FEPC councils.

It furnishes guidance as requested for state and local programming and activity.

It carries on a continuous and nationwide educational program to create an awareness of the dangers to democracy inherent in employment discrimination.

It supplies cooperating agencies and other interested groups with up-to-the-minute information about the status of FEPC legislation and the campaign for enactment.

It issues and distributes printed material, including a regular newsletter, leaflets, pamphlets, posters, buttons, etc.

It provides speakers for meetings, conferences, forums and discussion groups.

How It Works . . .

OVER-ALL direction of the Council is vested in a *National Board of Directors,* composed of representatives of more than fifty religious, labor, civic, welfare and other organizations. (See back page.)

State and local councils, representative of their communities and affiliated with the National Council, are represented on the Board of Directors, recommend policies and carry on the Council's work in their respective communities.

A Policy Committee, consisting of representatives of the American Federation of Labor, the Congress of Industrial Organizations, the National Association for the Advancement of Colored People, the National Urban League, the Catholic Interracial Council and the National Community Relations Advisory Council, formulates policy and strategy, subject to the approval of the Board of Directors.

An Executive Committee, drawn from the major cooperating organizations, is responsible for the execution of the Council's program, within the framework of established policy.

A Legal Committee, which assisted in the drafting of the Ives-Chavez-Fulton Bill, is responsible for evaluating and reporting to the Council on all proposed amendments.

A National Committee of Sponsors consists of individuals subscribing to and actively supporting the Council's objective. Members include: Dorothy Dunbar Bromley, Dr. John Dewey, Clark M. Eichelberger, Dr. Albert Einstein, Dr. Frank P. Graham, Prof. Henry Pratt Fairchild, Dr. Mordecai Johnson, Helen Keller, Judge Dorothy Kenyon, Dr. Karl Menninger, Reinhold Neibuhr, Mary K. Simkhovitch.

What You Can Do . . .

1 Tell any and all political workers that you want action *NOW* on S. 984 and H. R. 2824. Tell them that action on this legislation will be your test in '48 of their party's sincerity. Register so you can vote.

2 Write to your Senators and Congressman and convey the same message directly to them.

3 Have your lodge, union, church and club adopt resolutions in support of S. 984 and H. R. 2824. (Send copies of these resolutions to your representatives in Congress, your local newspapers and to the National Council.)

4 If there is a local FEPC Council in your community, have your union, church, club, etc., affiliate with it. If there is no Council in your community, write to the National Council for assistance in getting one started.

5 Fill out the form below and become a member of the Committee of Sponsors of the National Council for a Permanent FEPC.

---------- Use This Blank — Tear Off And Mail ----------

NATIONAL COUNCIL FOR A PERMANENT FEPC
930 F Street, N.W., Washington 4, D. C.

I enclose $_____ as a contribution to the fight for FEPC. I want to help. Please send me more information. ☐

*Name*_____

*Address*_____

*City*_____ *Zone*____ *State*_____

(*Please make checks payable to* Wm. J. Schieffelin, Treas.)

NC-FEPC

A Permanent
FAIR EMPLOYMENT PRACTICE COMMISSION

"The right to a job is . . . the right to live."

This is rooted in the American tradition as set forth in the Declaration of Independence, the Constitution, and the Bill of Rights, but "basic law is necessary to implement our Constitution, which gives to all people the right and freedom to work."

A PERMANENT FEPC

1941

In the lend-lease period before Pearl Harbor America was considered the "arsenal of democracy." Workers were sought to man machines for war production, but barriers of prejudice stood between segments of workers and idle machines. All minorities were affected, but Negroes, as the largest group, suffered most.

JUNE, 1941

Sensing the frustration of minority groups denied the opportunity to help America in the all-out war effort, A. Philip Randolph, International President of the Brotherhood of Sleeping Car Porters, called a conference of Negro leadership to work constructively on the problem. Having exhausted all other democratic means of obtaining action from government and industry, the leaders decided to call a March on Washington as a dramatic means of presenting discrimination in employment. Negroes all over the country prepared for this demonstration. However, there was no need to march, for after an historic conference at the White House President Rooosevelt on

JUNE 25, 1941

issued Executive Order 8802, establishing the President's Committee on Fair Employment Practice to eliminate discrimination in war employment because of race, creed, color, national origin, or ancestry. Thus, although Negroes initiated the movement which resulted in the FEPC, all minorities and the whole nation benefited.

1942- - -

The President's FEPC has had extraordinary success, but it has had its failures, too, because it is not backed by law and has no authority to enforce its orders. Leaders began to ask: "Why not strengthen this Committee? Why not make it permanent? If it is unfair to discriminate in wartime, isn't it equally unfair to discriminate in peacetime?" Again Mr. Randolph took the initiative and on

DECEMBER 30, 1943

in a conference of leaders in Washington—this time broadened to include Negro and white, civic, union and religious leaders—there was established the *National Council for a Permanent Fair Employment Practice Commis-*

sion. Honorary Chairmen are Senators Arthur Capper and Robert F. Wagner, and the working Co-Chairmen are A. Philip Randolph and Dr. Allan Knight Chalmers.

JANUARY, 1944

The Dawson-Scanlon-LaFollette bills for a Permanent FEPC were introduced in the House of Representatives and referred to the Committee on Labor, chaired by Mrs. Mary T. Norton. Preliminary hearings were held on the bills in June 1944, at which prominent religious, civic, and union representatives testified in favor of the bills.

FEBRUARY, 1944

The National Council for a Permanent FEPC established offices in Washington, D. C., with an interracial, interfaith staff.

JUNE 23, 1944

Senator Dennis Chavez of New Mexico introduced Bill S. 2048 (companion to the House bill) in the Senate with the following co-sponsors: Senators Downey, Wagner, Murray, Capper, and Langer. This bill was referred to the Senate Committee on Education and Labor, chaired by Senator Thomas of Utah. Chairman Thomas appointed Senator Chavez chairman of a sub-committee to conduct hearings.

JUNE, 1944

The Republican National Convention put into the Party platform a plank calling for a Permanent FEPC. Both presidential candidates and scores of candidates for Senate and House advocated a Permanent FEPC in their campaign speeches.

AUGUST AND SEPTEMBER, 1944

Hearings were held before the Senate Sub-committee on Education and Labor, at which prominent religious and labor leaders testified as follows:

Rt. Rev. Msgr. John A. Ryan, D. C., nationally known Catholic leader: *"Discrimination, whether practiced by employees or employers, is definitely immoral . . . . as if they committed theft or murder. . . ."*

Rabbi Stephen S. Wise, American Jewish Congress: *"I rest my case for the permanence of the Fair Employment Practice Committee on one basic truth: Racial, religious discrimination in the field of employment is a denial of democracy and is of the essence of fascism. . . ."*

Bishop G. Bromley Oxnam, Federal Council of Churches of Christ: *"The religious forces and I believe the democratic forces of the United*

States face a fundamental problem here, and that is finding concrete means to translate our ethical ideals into the realities of economic justice and racial brotherhood. . . ."

Rabbi J. X. Cohen, Commission of Economic Discrimination: "*Discrimination against Jewish persons in the economic field . . . . is a paramount issue confronting American Jewry. . . .*"

Rev. William H. Jernagin, Fraternal Council of Negro Churches: "*Jobs and security must be provided for all our citizens if we expect our institutions of freedom to survive. . . . The world and human beings are so made that you cannot organize life securely or permanently on injustice and oppression. . . .*"

Dr. Carlos Castaneda, social worker: "*Our Spanish-speaking population in the Southwest . . . . are ill-dressed, ill-fed, ill-cared for medically, and ill-educated, all because of the low economic standard to which they have been relegated as the result of restricting their employment. . . .*"

William Kohn, President Emeritus, Upholsterers International Union, AFL: "*Any employer or trade-union official who discriminates against workers on account of race, creed, color, or national origin in employment . . . . is paving the way for sharp racial conflicts in the U. S., compared to which the Detroit race riot would look like a street brawl. . . .*"

James B. Carey, Executive Secretary, CIO: "*It is a matter of practical common sense. The unions that are affiliated to the CIO have found that discrimination against any minority of our citizens results in damage to the interests of all. . . .*"

SEPTEMBER, 1944

Bill S. 2048 was reported out favorably by the Senate Committee on Education and Labor.

NOVEMBER, 1944

Bill H. R. 3986 was reported out favorably by the House Committee on Labor.

DECEMBER, 1944

A campaign-weary 78th Congress went home for Xmas recess leaving much unfinished business behind, including the bills to establish a Permanent Fair Employment Practice Commission.

JANUARY, 1945

Encouraged by the progress made in the 78th Congress, the National Council for a Permanent FEPC arranged for reintroduction of bills in the 79th Congress.

In the House, Congressman Charles M. LaFollette (R. Ind.) took the lead, followed in quick succession by several Representatives of both parties: Joseph Clark Baldwin (N. Y.), Geo. H. Bender (O.), Charles R. Clason (Mass.), Wm. L. Dawson (Ill.), Everett M. Dirksen (Ill.), Helen Gahagan Douglas (Calif.), Clyde G. Doyle (Calif.), Frank E. Hook (Mich.), Mary T. Norton (N. J.), Adam C. Powell, Jr. (N. Y.), and John M. Vorys (O).

In the Senate, Senator Dennis Chavez (D., N. M.) introduced a companion bill, S. 101, with six co-sponsors: Senators Murray, Downey, Wagner, Aiken, Capper, and Langer.

FEBRUARY, 1945

Senator Robert A. Taft (R., Ohio) introduced a Senate bill to create a Permanent FEPC without enforcement powers. Public reaction was instantaneous. Other important Republican leaders agreed with church, civic, and labor groups that such an FEPC would be worthless.

The House Labor Committee, again chaired by Mrs. Mary T. Norton, reported favorably H. R. 2232 with full committee backing. The Senate Committee on Education and Labor (Senator James E. Murray, Chairman) plans early action. Both bills will soon come to floor of House and Senate for discussion and vote.

What You Can Do

1. Send a contribution to the National Council for a Permanent FEPC, 930 F Street, N. W., Washington 4, D. C.
2. Write your Senators and Representatives urging them to vigorously support and vote for the bills to make FEPC permanent.

LET'S WORK TOGETHER

National Council for a Permanent FEPC
930 F Street, N. W., Washington 4, D. C.

Honorary Chairmen:
SEN. ARTHUR CAPPER
SEN. ROBERT F. WAGNER

Co-Chairmen:
A. PHILIP RANDOLPH
DR. ALLAN KNIGHT CHALMERS

MRS. ANNA ARNOLD HEDGEMAN, *Executive Secretary*

PARTIAL LIST OF ORGANIZATIONS ON RECORD IN CONGRESS AS URGING EARLY AND FAVORABLE ACTION ON THE PERMANENT FEPC BILL

(Senate: S. 101; House: H. R. 2232)

National Organizations

Alpha Kappa Alpha Sorority
American Civil Liberties Union
American Friends Service Committee
American Jewish Committee
American Jewish Congress
American Unitarian Association
American Unitarian Youth
B'nai B'rith
Catholic Interracial Council
Common Council for American Unity
Congregational Christian Churches (Council for Social Action)
Congress of Industrial Organizations
Consumers League of America
Delta Sigma Theta Sorority
Evangelical and Reformed Church, General Synod
Federal Council of the Churches of Christ in America
Fraternal Council of Negro Churches in America
Improved Benevolent & Protective Order of Elks of the World
International Brotherhood of Sleeping Car Porters (AFL)
International Ladies Garment Workers Union of America (AFL)
Jewish Labor Committee
Jewish War Veterans of the United States
League of United Latin American Citizens
March on Washington
Methodist Church, General Conference
Methodist Ministers' Union
Millinery Workers, Joint Board (AFL)
National Alliance of Postal Employees
National Association for the Advancement of Colored People
National Association of Colored Graduate Nurses
National Bar Association
National CIO Committee to Abolish Racial Discrimination
National Community Relations Advisory Council
National Conference of Christians and Jews
National Council of Catholic Women
National Council of Jewish Women
National Council of Negro Women
National Council of Student Christian Associations
National Council for a Permanent FEPC
National Farmers Union
National Federation for Constitutional Liberties
National League of Women Shoppers
National Negro Insurance Association
National Urban League
National Women's Trade Union League of America
Negro Newspaper Publishers Assn.
Postwar World Council
Presbyterian General Assembly
Sigma Gamma Rho Sorority
Southern Tenant Farmers Union
Study Conference on Just and Durable Peace
Union of American Hebrew Congregations
Union for Democratic Action
United Council of Church Women
Upholsterers International Union of North America (AFL)
Women's Division of Christian Service, Methodist Church
Women's Division of the American Jewish Congress
Women's International League for Peace and Freedom
Workers Defense League
Young Men's Christian Association, National Board
Young Women's Christian Association, National Board

Community Organizations

Albany Council for a Permanent FEPC
Bay Area Council Against Discrimination, San Francisco
Belen (N. M.) Council for a Permanent FEPC
Buffalo (N. Y.) Council for a Permanent FEPC
Chicago Council Against Racial & Religious Discrimination
Chicago Mayor's Committee on Race Relations
Citizens Committee for Interracial Action, Salt Lake City
City-Wide Citizens' Committee on Harlem
Cleveland (O.) Council for a Permanent FEPC
Columbus Metropolitan Fair Employment Practice Committee
Committee of One Hundred, San Antonio
Coordinating Council for Latin American Youth, Los Angeles
Denver Council for a Permanent FEPC
Detroit Council for a Permanent FEPC
Detroit Metropolitan Council on Fair Employment Practice
East Bay Council for a Permanent FEPC (Berkeley, Calif.)
Flint (Mich.) Council for a Permanent FEPC
Indianapolis Council for a Permanent FEPC
Interracial Commission of St. Louis
Kansas-Missouri Council for a Permanent FEPC
King Hiram Grand Lodge, Vauxhall, N. J.
Los Angeles Council for a Permanent FEPC
Louisville (Ky.) Council for a Permanent FEPC
Massachusetts Citizens Committee for Racial Unity
Mexican Civic Committee, Chicago
New Orleans Council for a Permanent FEPC
New York Metropolitan Council on Fair Employment Practice
Omaha Council for a Permanent FEPC
Paterson (N. J.) Council for a Permanent FEPC
Philadelphia Metropolitan Council for Equal Job Opportunity
Pittsburgh Citizens' Coordinating Committee
Portland (Ore.) Council for a Permanent FEPC
St. Louis Council for a Permanent FEPC
San Diego Council for a Permanent FEPC
Seattle Council for a Permanent FEPC
Southwestern Connecticut Committee to Promote Fair Employment Practices
Spanish American Citizens Association, Denver
The Frontiers Club of Dayton
Utah Council for a Permanent FEPC
Utica Council for a Permanent FEPC
Vallejo (Calif.) Committee on Interracial Affairs
Washington (D. C.) Committee on Race Relations
Worcester (Mass.) Council for a Permanent FEPC
Yonkers (N. Y.) Council for a Permanent FEPC

CHICAGO COUNCIL
AGAINST RACIAL & RELIGIOUS DISCRIMINATION
Room 812 166 W. Jackson Blvd. Har. 7420

F ?

E ?

P ?

C ?

Give FEPC a Priority

WITH BATTLES against the exponents of race hatred being won on all military fronts, the people of America face victory or defeat on whether we shall have fair employment practices at home. The President's Committee on Fair Employment Practice was set up to make available to the nation's industry in wartime the energies and skills of all men and women regardless of race, creed, color or national origin.

As a temporary committee, FEPC has made a major contribution to the winning of the war through enforcing the American principle that all men and women should have an equal opportunity to earn a living and to contribute to the nation's productive power. This has been done despite the handicap of limited jurisdiction and limited enforcement powers.

FEPC is a matter of concern not only to a few workers. As long as one worker is turned away or discriminated against because he is a Negro or foreign-born, a Catholic or a Jew, no one's job is safe. A nation in which the majority of people belong to one minority or another, such as the U. S. A. is, cannot afford to lose the gains made by the FEPC.

We need FEPC to help in war production until victory; to aid in the equitable distribution of jobs in the reconversion period; to help avoid chaos in gearing America to full production necessary in the postwar years. Both the Republican and Democratic parties have officially pledged themselves to the establishment of a permanent, effective FEPC.

Congress must not be allowed to stall this vital issue. Bills are pending in both houses which would create a permanent, effective FEPC with "teeth." Passage of state laws for fair employment practices, while important as an indication of the sentiments of the people, leave uncovered the major part of American industry. A federal FEPC is needed to cover plants under contract to the government, government agencies and firms engaged in interstate commerce.

In profound sorrow at the death of Franklin Delano Roosevelt, we accept increased responsibility to carry out the program for which he fought and died—freedom and security for all mankind. A basic part of this program is the establishment of a permanent Fair Employment Practice Commission. Such a commission will be an enduring monument to the true democracy he exemplified.

The Labor Committee Bill, H.R. 2232, representing a combination of more than a dozen bills for a permanent, effective FEPC introduced in the House, was reported out of the House Committee on Labor on Feb. 20, with strong bi-partisan support, with the recommendation that it be passed.

In an effort to keep the bill from coming before the entire House for debate and vote, the Rules Committee refused to give it a place on the calendar. Finally on Apr. 27 Rep. Mary T. Norton (D-N.J.), leader of the bill's bi-partisan supporters in the House, introduced Discharge Petition No. 4 to release the bill automatically from the Rules Committee's jurisdiction when 218 Congressmen have signed the Petition.

✓

The same provisions for a permanent, effective FEPC are incorporated in S. 101. A counter-proposal which would limit the FEPC to "study" of discrimination in employment has been introduced by Sen. Taft of Ohio; it's generally considered completely inadequate and unacceptable.

✓

Be sure your Congressman signs Discharge Petition No. 4 —IMMEDIATELY.

A definite commitment from your Congressman that he will vote for H.R. 2232 WITHOUT AMENDMENT.

A definite commitment from your two Senators that they will each vote for S. 101 WITHOUT AMENDMENT.

A further commitment that your Congressman and Senators will work with their party leaders to do everything possible to bring both bills to a favorable vote without further delay.

Whether or not the historic achievements of the FEPC are actually permitted to continue through making this agency permanent depends on you—you—me—your neighbor and mine. Everyone who ever worked in our nation's capital on legislative issues knows that the people on Main Street in every part of America are the ones who really can decide these issues. No high-powered lobby in Washington can defeat FEPC if the folks back home send in postcards, letters and wires making their sentiments clearly known.
Here's what needs to be done:

Keep yourself and your organization in touch with the NFCL national office or with your own organization's or union's national office so that week by week you have exact information on the status of this FEPC fight. Know how to make every letter or postcard or wire most effective. Know exactly where the "ball" is, keep your eyes on it so you know what to do next.

When you get the information about what action is needed, send your own letter or postcard to the members of Congress or Senate who are designated as important at that particular time. If it is an emergency, send a wire. (If there's time, a night letter telegram is cheapest.)

At the same time, get in touch with the chairman of the legislative committee (or public affairs or political action committee) of your organization and see that a similar communication goes from the organization itself.
If the group you belong to does not have an emergency telephone squad, organize one. Give each member of the squad a list of 10 or 15 persons to be called whenever word comes in that additional action is needed. See that the squad covers not only members of your own organization but key community leaders who, in turn, will reach out to other groups in your community. Pile up the number of letters and postcards from rank-and-file members as well as leaders of organizations.

If you or any other individual or any organization sends a communication to a Senator or Congressman and you get a general answer—WRITE OR WIRE AGAIN insisting upon a specific commitment to support in every way the fight for a permanent FEPC in the Senate and in the House. DON'T TAKE GENERALITIES OR "NO" FOR AN ANSWER.

Find out where your Congressmen and Senators live at home, their addresses and who their secretaries are. When one is coming in from Washington for a home visit, see that one or more groups visit the Senator or Congressman personally and obtain specific commitments in support of FEPC. If you cannot see him on one visit, keep after him.

Organize small but well-informed delegations of citizens to visit every newspaper editor—of the general, labor, farm and other press—in your community and get each editor to write a favorable editorial on S. 101 and H.R. 2232. Clip it out and send to your Congressman and two Senators, asking each of them to put it in the Congressional Record. Organize a flood of letters to the editors in support of FEPC.

Ask the program director of any local or area radio station for time for outstanding speakers (such as churchmen or other civic leaders) to give 15 minute talks on FEPC. (When your Senators or Congressman are home, try to arrange time for each to speak favorably over the radio on FEPC.) Get additional time for 15 or 30 minute radio dramatizations on FEPC—either scripts written by local talent or obtained through the NFCL or other national offices.

Contact every minister, priest or rabbi in the community asking each to devote time in a sermon or discussion group or in club meetings to FEPC. (Every major religious group has testified before both House and Senate committees in support of FEPC and has worked actively with both Senators and Congressmen for a permanent FEPC.) Discuss with other community groups the possibility of holding community-wide rallies for a permanent FEPC.

● ***All of these suggestions are directed to the one single purpose of making certain that your Congressmen and your two Senators receive an increasing volume of communications insisting that they support this fight for a permanent FEPC without delay. Here are just a few ideas: you'll find others as you work. Constantly planned and consistent sustained activity back home is up to you—and it can tip the scales in favor of a permanent FEPC.***

HOW FEPC HELPS IF
BECAUSE OF YOUR RA

SUBMIT A SIGNED COMPLAINT
TO REGIONAL FEPC OFFICE

BUT IF NO ADJUSTMENT
CAN BE REACHED

YOUR CASE GOE
TO WASHINGTON

UNSOLVED CASES ARE HEARD
BEFORE FEPC AT HEARING

OFFEN
REC

IF THIS RECOMMENDATION IS
STILL RESISTED BY OFFENDER

FEPC CONTACTS WMC

FEPC

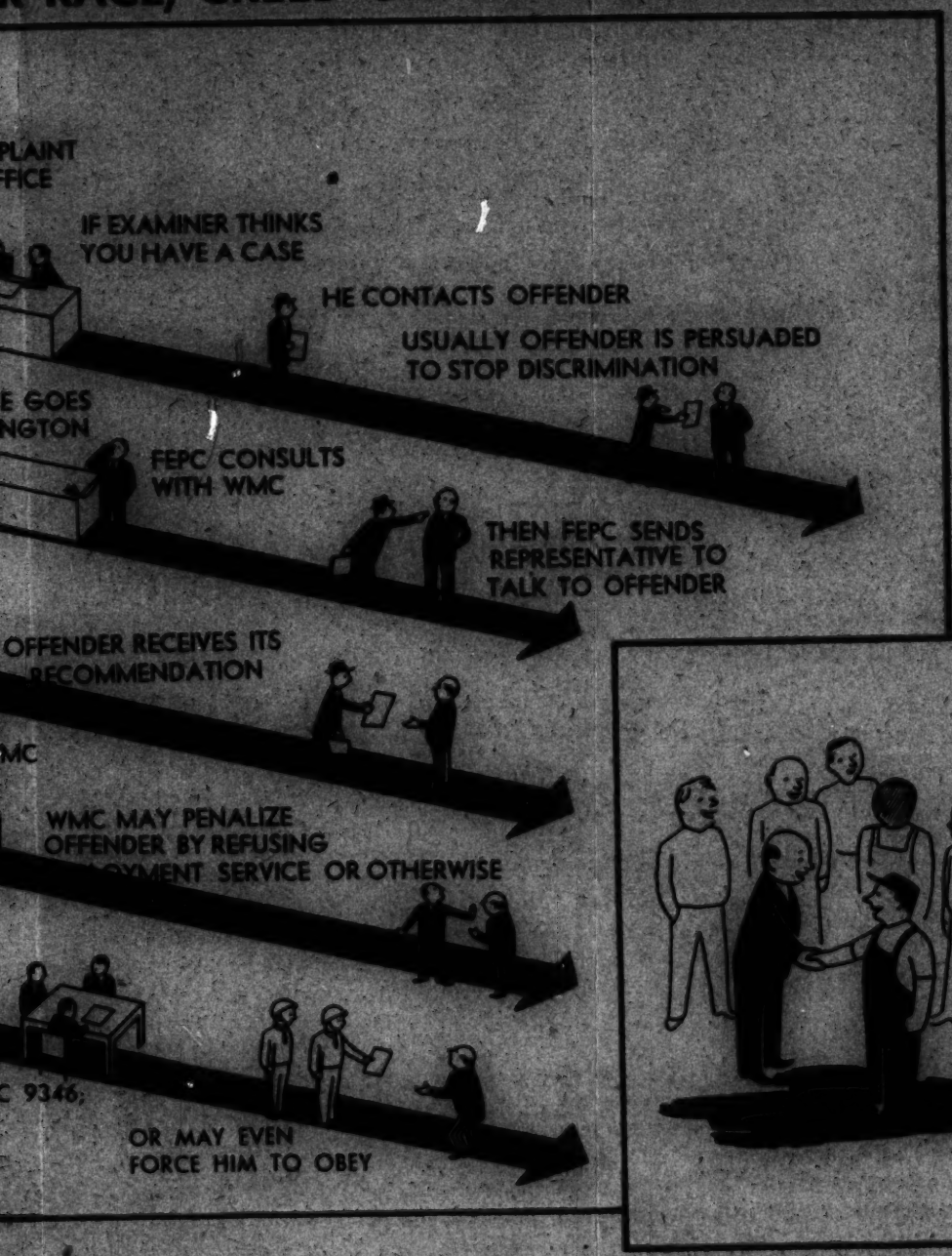
WMC

WM
OF

OR FEPC MAY APPEAL
DIRECTLY TO THE PRESIDENT

HE MAY PERSUADE
OFFENDER TO OBEY FEPC 9346

IF YOU ARE DISCRIMINATED AGAINST
R RACE, CREED OR NATIONAL ORIGIN



I HAVE YOU

- [ ] USED THE ACTION TECHNIQUES suggested in leaflet, this Action?
- [ ] INFORMED PRESIDENT TRUMAN of the need and desire of the American people for a permanent FEPC?
- [ ] OBTAINED A SPECIFIC COMMITMENT from YOUR CONGRESSMAN that he will sign Discharge Petition No. 1 and will vote for H.R. 2232 without amendment?

Name of Congressman

- [ ] OBTAINED A SPECIFIC COMMITMENT from BOTH YOUR SENATORS that they will vote for S. 101 without amendment?

Name of Senator

Name of Senator

- [ ] ORDERED ADDITIONAL COPIES OF THIS LEAFLET for use in furnishing other persons in this field with an opportunity effective FEPC?

Number wanted Amount enclosed

Single copies 5¢ for 25 copies 50¢ for 50 copies
$1.00 for 100 copies; larger quantities on request

- [ ] SENT your pledges on this leaflet to the President, Congressmen and Senators?
- [ ] SENT your contributions for FEPC to help with this leaflet?

Name

Address

City Zone State

Enclosed is a _____ (pay) (loan) contribution to help with this campaign.

For the full story of what FEPC does, what it means to the future of democracy and what the proposed law would provide, write for NCFC's new 48-page pamphlet, "FEPC—for Victory, for Jobs for All, for Democracy's Future"—[10c per copy; quantity rates on request.]

National Federation for Constitutional Liberties
205 East 42 Street, Room 1612 New York 17, N. Y.

F
E
EMPLOYMENT OPPORTUNITIES
SLAM!
COLLEGE COURSES
P
C
NOW!

The Time Is NOW

Secure Your Rights To a Decent Job in Peace

You have come a long way up. Much too far ever to go *back*.

Each step of your gradual climb and your performance at work during this wartime period has proven your ability and your right to a good job and a chance for promotion. Each victory has been besides a personal achievement, a gain for your Race, and for the right of *all minorities* to equal job opportunities. And now that the trial period has passed, you've a new responsibility to face — that of holding the gains already made. Gains much too precious to ever be lost. The answer is a *Law* for a permanent . . . .

FAIR EMPLOYMENT PRACTICES COMMITTEE . . .
and the time is *NOW!*

Responsibility for *full employment* in peace is up to you and the thousands of others like you who pulled up stakes—left homes, churches, friends; in fact *all* to face the inadequacies of bad housing, poor school facilities and all the other hazards makes life more unbearable for minorities, in order to contribute your share to the war effort to win *total* victory. Some of you came with fear and trembling. Others came *knowing, grateful* and *confident*. But all of you came with a flexible pattern born of patience, long-suffering, hope and faith in the fundamental integrity of man, and in the democratic principles for which your sons, husbands, fathers, brothers, relatives, are fighting in every sector of the world today.

Whatever the price, whatever the sacrifice, it has all added up to the proving that (1) minorities, given the same training and opportunities, are the equal of all other races in performance, (2) that racial antagonism can be overcome. For these and other lessons you have taught your fellow American, and fellow worker you are entitled to a *PERMANENT F E P C.* We say you have come too far to go *back.* But you will unless you act NOW!

You may think it's the other fellow's job to work out your problem for you, while you're rigging that ship, packing that ammunition, strengthening the rudder on that B-29, *but you're wrong.* If you don't take time out to protect yourself and your buddies overseas — *NOW* — no one else will.

Already cut-backs have begun!
Already minorities are suffering as a result!

REMEMBER

1. The existing FEPC was never passed as a *law.*
2. It carries no actual power for enforcement of decisions.
3. It is only a temporary order by the President; applies *only* to war industries, and will end when the war is over.

YOU NEED A LAW NOW FOR A *PERMANENT FEPC* WITH ADEQUATE POWER FOR ENFORCEMENT IN *ALL* INDUSTRIES AFTER THE WAR.

SURVIVAL

How much better the new world will be, depends entirely upon you. It is an individual task, which cannot have the strength of all until you have accepted your individual responsibility to secure your rights to a decent job in the peace. Only to the extent that each one of us does his share, can we expect equality of opportunities for jobs and upgrading, regardless of race, color or creed. If we fail, we cannot do otherwise than to look for increased conflicts, racial tensions, riotings and lynchings worse than ever before in history. We will have lost at home what we sought to defeat abroad!

WHAT TO DO

Besides the President, you have a right to expect the support of Republicans since the GOP party platform endorsed creation of a Permanent FEPC.

1. Write all Congressmen and Senators immediately, urging their active support of a law for a Permanent FEPC.
2. Get every worker in your plant to do likewise.

3. Organize separate committees to sponsor letter-writing among all union members, church, civic, social, and fraternal and community organizations, requesting Congressmen and Senators to support FEPC.

4. Send copies of all letters (and replies, whenever possible) to

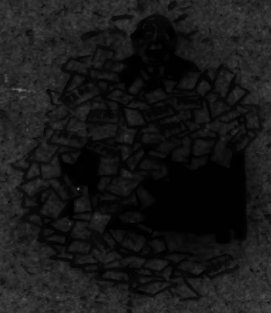
— • —

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
69 FIFTH AVENUE NEW YORK 3, N. Y.

— • —

Lest the work, the suffering, and the dying shall not have been in vain,

ACT NOW! FOR



A PERMANENT F E P C

MEMBERSHIP BLANK

National Association for the Advancement of Colored People
69 Fifth Avenue, New York 3, N. Y.

I enclose $..... to help you carry on your work.

Membership ☐ Contribution ☐

Name.....

Address.....

City..... *State*..... *Zone No.*.....

All checks should be made payable to Mary White Ovington, Treasurer
Memberships: $1, $2.50, $5, $10, $25, $100 and life membership, $500.

re-FEPC literature (pamphlet)

A PERMANENT FEPC

FAIR EMPLOYMENT PRACTICE COMMISSION

"The right to a job is . . . the right to live."

This is rooted in the American tradition as set forth in the Declaration of Independence, the Constitution, and the Bill of Rights, but "basic law is necessary to implement our Constitution, which gives to all people the right and freedom to work."

A PERMANENT FEPC

1941

In the lend-lease period before Pearl Harbor America was considered the "arsenal of democracy." Workers were sought to man machines for war production, but barriers of prejudice stood between segments of workers and idle machines. All minorities were affected, but Negroes, as the largest group, suffered most.

(month) , 1941

Sensing the frustration of minority groups denied the opportunity to help America in the all-out war effort, A. Philip Randolph, International President of the Brotherhood of Sleeping Car Porters, called a conference of Negro leadership to work constructively on the problem. Having exhausted all other democratic means of obtaining action from government and industry, the leaders decided to call a March on Washington as a dramatic means of presenting discrimination in employment. Negroes all over the country prepared for this demonstration. However, there was no need to march, for after an historic conference at the White House President Rooosevelt on

JUNE 25, 1941

issued Executive Order 8802, establishing the President's Committee on Fair Employment Practice to eliminate discrimination in war employment because of race, creed, color, national origin, or ancestry. Thus, although Negroes initiated the movement which resulted in the FEPC, all minorities and the whole nation benefited.

1942-1943 - - -

The President's FEPC has had extraordinary success, but it has had its failures, too, because it is not backed by law and has no authority to enforce its orders. Leaders began to ask: "Why not strengthen this Committee? Why not make it permanent? If it is unfair to discriminate in wartime, isn't it equally unfair to discriminate in peacetime?" Again Mr. Randolph took the initiative and on

DECEMBER 30, 1943

in a conference of leaders in Washington—this time broadened to include Negro and white, civic, union and religious leaders—there was established the *National Council for a Permanent Fair Employment Practice Commis-*

sion. Honorary Chairmen are Senators Arthur Capper and Robert F. Wagner, and the working Co-Chairmen are A. Philip Randolph and Dr. Allan Knight Chalmers.

JANUARY, 1944

The Dawson-Scanlon-LaFollette bills for a Permanent FEPC were introduced in the House of Representatives and referred to the Committee on Labor, chaired by Mrs. Mary T. Norton. Preliminary hearings were held on the bills in June 1944, at which prominent religious, civic, and union representatives testified in favor of the bills.

FEBRUARY, 1944

The National Council for a Permanent FEPC established offices in Washington, D. C., with an interracial, interfaith staff.

JUNE 23, 1944

Senator Dennis Chavez of New Mexico introduced Bill S. 2048 (companion to the House bill) in the Senate with the following co-sponsors; Senators Downey, Wagner, Murray, Capper, and Langer. This bill was referred to the Senate Committee on Education and Labor, chaired by Senator Thomas of Utah. Chairman Thomas appointed Senator Chavez chairman of a sub-committee to conduct hearings.

JUNE, 1944

The Republican National Convention put into the Party platform a plank calling for a Permanent FEPC. Both presidential candidates and scores of candidates for Senate and House advocated a Permanent FEPC in their campaign speeches.

AUGUST AND SEPTEMBER, 1944

Hearings were held before the Senate Sub-committee on Education and Labor, at which prominent religious and labor leaders testified as follows:

Rt. Rev. Msgr. John A. Ryan, D. C., nationally known Catholic leader: *"Discrimination, whether practiced by employees or employers, is definitely immoral . . . . as if they committed theft or murder. . . ."*

Rabbi Stephen S. Wise, American Jewish Congress: *"I rest my case for the permanence of the Fair Employment Practice Committee on one basic truth: Racial, religious discrimination in the field of employment is a denial of democracy and is of the essence of fascism. . . ."*

Bishop G. Bromley Oxnam, Federal Council of Churches of Christ: *"The religious forces and I believe the democratic forces of the United*

States face a fundamental problem here, and that is finding concrete means to translate our ethical ideals into the realities of economic justice and racial brotherhood. . . ."

Rabbi J. X. Cohen, Commission of Economic Discrimination: "*Discrimination against Jewish persons in the economic field . . . . is a paramount issue confronting American Jewry. . . .*"

Rev. William H. Jernagin, Fraternal Council of Negro Churches: "*Jobs and security must be provided for all our citizens if we expect our institutions of freedom to survive. . . . The world and human beings are so made that you cannot organize life securely or permanently on injustice and oppression. . . .*"

Dr. Carlos Castaneda, social worker: "*Our Spanish-speaking population in the Southwest . . . . are ill-dressed, ill-fed, ill-cared for medically, and ill-educated, all because of the low economic standard to which they have been relegated as the result of restricting their employment. . . .*"

William Kohn, President Emeritus, Upholsterers International Union, AFL: "*Any employer or trade-union official who discriminates against workers on account of race, creed, color, or national origin in employment . . . . is paving the way for sharp racial conflicts in the U. S., compared to which the Detroit race riot would look like a street brawl. . . .*"

James B. Carey, Executive Secretary, CIO: "*It is a matter of practical common sense. The unions that are affiliated to the CIO have found that discrimination against any minority of our citizens results in damage to the interests of all. . . .*"

SEPTEMBER, 1944

Bill S. 2048 was reported out favorably by the Senate Committee on Education and Labor.

NOVEMBER, 1944

Bill H. R. 3986 was reported out favorably by the House Committee on Labor.

DECEMBER, 1944

A campaign-weary 78th Congress went home for Xmas recess leaving much unfinished business behind, including the bills to establish a Permanent Fair Employment Practice Committee.

JANUARY, 1945

Encouraged by the progress made in the 78th Congress, the National Council for a Permanent FEPC arranged for reintroduction of bills in the 79th Congress.

In the House, Congressman Charles M. LaFollette (R. Ind.) took the lead, followed in quick succession by several Representatives of both parties: Joseph Clark Baldwin (N. Y.), Geo. H. Bender (O.), Charles R. Clason (Mass.), Wm. L. Dawson (Ill.), Everett M. Dirksen (Ill.), Helen Gahagan Douglas (Calif.), Clyde G. Doyle (Calif.), Frank E. Hook (Mich.), Mary T. Norton (N. J.), Adam C. Powell, Jr. (N. Y.), and John M. Vorys (O).

In the Senate, Senator Dennis Chavez (D., N. M.) introduced a companion bill, S. 101, with six co-sponsors: Senators Murray, Downey, Wagner, Aiken, Capper, and Langer.

FEBRUARY, 1945

Senator Robert A. Taft (R., Ohio) introduced a Senate bill to create a Permanent FEPC without enforcement powers. Public reaction was instantaneous. Other important Republican leaders agreed with church, civic, and labor groups that such an FEPC would be worthless.

The House Labor Committee, again chaired by Mrs. Mary T. Norton, reported favorably H. R. 2232 with full committee backing. The Senate Committee on Education and Labor (Senator James E. Murray, Chairman) plans early action. Both bills will soon come to floor of House and Senate for discussion and vote.

What You Can Do

1. Send a contribution to the National Council for a Permanent FEPC, 930 F Street, N. W., Washington 4, D. C.
2. Write your Senators and Representatives urging them to vigorously support and vote for the bills to make FEPC permanent.

LET'S WORK TOGETHER

National Council for a Permanent FEPC
930 F Street, N. W., Washington 4, D. C.

Honorary Chairmen:
SEN. ARTHUR CAPPER
SEN. ROBERT F. WAGNER

Co-Chairmen:
A. PHILIP RANDOLPH
DR. ALLAN KNIGHT CHALMERS

MRS. ANNA ARNOLD HEDGEMAN, *Executive Secretary*

PARTIAL LIST OF ORGANIZATIONS ON RECORD IN CONGRESS AS URGING EARLY AND FAVORABLE ACTION ON THE PERMANENT FEPC BILL

(Senate: S. 101; House: H. R. 2232)

National Organizations

Alpha Kappa Alpha Sorority
American Civil Liberties Union
American Friends Service Committee
American Jewish Committee
American Jewish Congress
American Unitarian Association
American Unitarian Youth
B'nai B'rith
Catholic Interracial Council
Common Council for American Unity
Congregational Christian Churches (Council for Social Action)
Congress of Industrial Organizations
Consumers League of America
Delta Sigma Theta Sorority
Evangelical and Reformed Church, General Synod
Federal Council of the Churches of Christ in America
Fraternal Council of Negro Churches in America
Improved Benevolent & Protective Order of Elks of the World
International Brotherhood of Sleeping Car Porters (AFL)
International Ladies Garment Workers Union of America (AFL)
Jewish Labor Committee
Jewish War Veterans of the United States
League of United Latin American Citizens
March on Washington
Methodist Church, General Conference
Methodist Ministers' Union
Millinery Workers, Joint Board (AFL)
National Alliance of Postal Employees
National Association for the Advancement of Colored People
National Association of Colored Graduate Nurses
National Bar Association
National CIO Committee to Abolish Racial Discrimination
National Community Relations Advisory Council
National Conference of Christians and Jews
National Council of Catholic Women
National Council of Jewish Women
National Council of Negro Women
National Council of Student Christian Associations
National Council for a Permanent FEPC
National Farmers Union
National Federation for Constitutional Liberties
National League of Women Shoppers
National Negro Insurance Association
National Urban League
National Women's Trade Union League of America
Negro Newspaper Publishers Assn.
Postwar World Council
Presbyterian General Assembly
Sigma Gamma Rho Sorority
Southern Tenant Farmers Union
Study Conference on Just and Durable Peace
Union of American Hebrew Congregations
Union for Democratic Action
United Council of Church Women
Upholsterers International Union of North America (AFL)
Women's Division of Christian Service, Methodist Church
Women's Division of the American Jewish Congress
Women's International League for Peace and Freedom
Workers Defense League
Young Men's Christian Association, National Board
Young Women's Christian Association, National Board

Community Organizations

Albany Council for a Permanent FEPC
Bay Area Council Against Discrimination, San Francisco
Belen (N. M.) Council for a Permanent FEPC
Buffalo (N. Y.) Council for a Permanent FEPC
Chicago Council Against Racial & Religious Discrimination
Chicago Mayor's Committee on Race Relations
Citizens Committee for Interracial Action, Salt Lake City
City-Wide Citizens' Committee on Harlem
Cleveland (O.) Council for a Permanent FEPC
Columbus Metropolitan Fair Employment Practice Committee
Committee of One Hundred, San Antonio
Coordinating Council for Latin American Youth, Los Angeles
Denver Council for a Permanent FEPC
Detroit Council for a Permanent FEPC
Detroit Metropolitan Council on Fair Employment Practice
East Bay Council for a Permanent FEPC (Berkeley, Calif.)
Flint (Mich.) Council for a Permanent FEPC
Indianapolis Council for a Permanent FEPC
Interracial Commission of St. Louis
Kansas-Missouri Council for a Permanent FEPC
King Hiram Grand Lodge, Vauxhall, N. J.
Los Angeles Council for a Permanent FEPC
Louisville (Ky.) Council for a Permanent FEPC
Massachusetts Citizens Committee for Racial Unity
Mexican Civic Committee, Chicago
New Orleans Council for a Permanent FEPC
New York Metropolitan Council on Fair Employment Practice
Omaha Council for a Permanent FEPC
Paterson (N. J.) Council for a Permanent FEPC
Philadelphia Metropolitan Council for Equal Job Opportunity
Pittsburgh Citizens' Coordinating Committee
Portland (Ore.) Council for a Permanent FEPC
St. Louis Council for a Permanent FEPC
San Diego Council for a Permanent FEPC
Seattle Council for a Permanent FEPC
Southwestern Connecticut Committee to Promote Fair Employment Practices
Spanish American Citizens Association, Denver
The Frontiers Club of Dayton
Utah Council for a Permanent FEPC
Utica Council for a Permanent FEPC
Vallejo (Calif.) Committee on Interracial Affairs
Washington (D. C.) Committee on Race Relations
Worcester (Mass.) Council for a Permanent FEPC
Yonkers (N. Y.) Council for a Permanent FEPC

A Permanent
FAIR EMPLOYMENT PRACTICE COMMISSION

Valmo C. Bellinger Ch,
207 No. Centre St.
P.O. Box 1598
Mrs Stella Jeanne Eustace Higgins
1158 Dawson St.
Mr Elijah Thompson
602 Dawson St

"The right to a job is . . . the right to live."

This is rooted in the American tradition as set forth in the Declaration of Independence, the Constitution, and the Bill of Rights, but "basic law is necessary to implement our Constitution, which gives to all people the right and freedom to work."

THIS STAMP IS FOR SALE

at the

March On Washington Book Store

2084 Seventh Avenue, New York City

A sheet of 25 stamps is 25c. 100 stamps at 75c.
1,000 stamps, $7.00.

Special discounts given for purchases of larger quantities.

Help us to continue the fight for a permanent F. E. P. C. by buying and selling these stamps.

Africa

AFRICA FACTS AND FORECASTS $2.75
Albert Q. Maisel

AFRICAN JOURNEY 3.50
Eslcanda Robeson

AGAINST THESE THREE 3.50
Stuart Cloete

BLACK FOLK THEN AND NOW 3.75
W. E. B. Dubois

COLOR AND DEMOCRACY 2.00
W. E. B. Dubois

CONGO 3.75
Andre Cauvin

DARK SHORE 2.50
Philip Freund

INTRODUCING AFRICA 2.50
Carveth Wells

MAHOGANY 2.75
Alfredo Segre

LIGHTING UP LIBERIA 2.50
Hayman Preece

MARRIED LIFE IN AN AFRICAN TRIBE 3.50
L. Schapera

NEGROES OF AFRICA: HISTORY AND CIVILIZATION.. 3.25
Delafosse

VICTORY THROUGH AFRICA 2.75
Samuel Daniel

WITHOUT BITTERNESS 3.00
Nwafor Orizu

AN ECONOMIC HISTORY OF LIBERIA 3.25
George W. Brown

THE AFRICAN BACKGROUND OUTLINED 3.25
Carter G. Woodson

THE NEGRO 1.50
W. E. B. Dubois

Autobiographies

ALONG THIS WAY $3.50
James Weldon Johnson

BIG SEA 3.00
Langston Hughes

BLACK BOY 2.50
Richard Wright

DUST TRACKS ON A ROAD 3.00
Zora Neale Hurston

DUSK OF DAWN 3.00
W. E. B. Dubois

JACK JOHNSON 2.00
Jack Johnson

UP FROM SLAVERY 2.00
Booker T. Washington

Biographies

BIG BEN (Paul Robeson) $2.50
Earl Schenk

BLACK FIRE (Henry Christophe) 2.50
Cavelle Newcombe

BLACK MAJESTY (Henry Christophe) 2.50
John W. Vandercook

BROWN BOMBER (Joe Louis) 1.75
John D. Van Deusen

CITIZEN TOUSSAINT (Toussaint L'ouverture) 3.00
Ralph Korngold

DR. GEORGE WASHINGTON CARVER 2.50
Graham & Lipscombe

FROM CAPTIVITY TO FAME (George Washington Carver) 2.00
Raleigh Merritt

GEORGE WASHINGTON CARVER 3.50
Rackham Holt

JOE LOUIS — AMERICAN 2.00
Marjorie Miller

Biographies—Continued

JOSEPH CHARLES PRICE 3.00
William Wells

MARION ANDERSON 2.50
Kosti Vehanen

MEET THE NEGRO 1.50
Carl E. Downs

PAUL LAURENCE DUNBAR 2.00
Benjamin Brawley

RICHARD ALLEN: AN APOSTLE OF FREEDOM 2.25
Charles H. Wesley

RISING ABOVE COLOR 1.50
Philip H. Lotz

SOJOURNER TRUTH 2.00
Arthur H. Fauset

THEY SEEK A CITY 2.75
Conroy & Bontemps

WE HAVE TOMORROW 1.50
Arna Bontemps

WOMEN BUILDERS 2.25
Sadie I. Daniels

13 AGAINST THE ODDS 2.75
Edwin R. Embree

HARRIET TUBMAN 3.25
Earl Conrad

GREAT AMERICANS 2.50
Ben Richardson

Brazil

A HISTORY OF BRAZIL $5.00
Joas P. Calogeras

BRAZIL: AN INTERPRETATION 2.00
Gilberto Freyre

NEGROES IN BRAZIL 4.50
Donald Peirson

THE NEGRO IN BRAZIL 2.25
Arthur Ramos

Caribbean

ASIA FOR THE ASIATICS $3.00
Robert S. Ward

BOOK OF THE VIRGIN ISLANDS 3.50
Luther H. Evans

BLACK ROADWAYS (Jamaica) 3.00
Martha W. Beckwith

LIFE IN A HAITIAN VALLEY 4.00
Melville J. Herskovits

HAITI SINGING 3.50
Harold Courlander

THE HAITIAN PEOPLE 4.00
James Leyburn

Chicago

NEGRO FAMILY IN CHICAGO $3.00
E. Franklin Frazier

THE NEGRO IN CHICAGO 6.00
Chicago Commission

BLACK METROPOLIS 5.00
Cayton and Drake

Children

AFRICAN HEROES AND HEROINES $2.25
Carter G. Woodson

AFRICAN MYTHS 1.25
Carter G. Woodson

ARAMINTA'S GOAT 2.00
Eva K. Evans

BANTU TALES 1.50
Smith and Price

Children—Continued

GEORGE CARVER 1.50
Augusta Stevenson

GEORGE SAMPSON BRITE 1.50
Ann Scott

GIRLS IN AFRICA $2.00
Erick Berry

GLADIOLA GARDENS 2.25
Effie L. Newsome

HEZEKIAH HORTON 1.00
Ellen Tarry

ISLAND BOY 2.00
Betty Holdridge

JUNIOR 2.00
James Street

LITTLE BROWN BABY 1.50
Paul Laurence Dunbar

LITTLE CUMBEE IN DIXIE 1.50
Elsa A. Kyser

MELINDY'S MEDAL 2.00
Elton C. Fax

MODERN HANDBOOK FOR GIRLS 1.50
Olive R. Landers

MPENGO OF THE CONGO 1.50
Grace W. McGravan

MY HAPPY DAYS 2.25
Jane D. Shackleford

ONE GOD 2.25
Florence M. Fitch

OUR NEGRO BROTHER 1.50
Edith H. Meyer

NYANGO'S TWO VILLAGES 1.50
Esma R. Gooth

PLAY SONGS OF THE DEEP SOUTH 2.25
Altona Trent-Johns

PICTURE POETRY BOOK 1.25
McBrown & Jones

PROBING OUR PREJUDICES 1.00
Hortense Powdermaker

SAD FACED BOY 2.00
Arna Bontemps

SEWING BOOK FOR A LITTLE GIRL ..... .75
Louise F. Cornell

STEPPIN AND FAMILY 2.00
Hope Newell

THE BISCUIT EATER 2.00
James Street

THE CHILD'S STORY OF THE NEGRO 2.25
Jane D. Shackleford

THE RAILROAD TO FREEDOM 2.50
Hildegarde Swift

THE STORY OF THE LORD'S PRAYER 1.00

TOBE 2.00
Steele, Gentry, Sharpe

TWO IS A TEAM 1.75
L. & J. Beim

WORD PICTURES OF THE GREAT 2.25
Derricotte, Turner & Roy

ZEKE 2.00
Mary W. Ovington

LITTLE CANDY BOOK FOR A LITTLE GIRL ..... .75
Amy L. Waterman

LITTLE COOK BOOK FOR A LITTLE GIRL ..... .75
Caroline Benton

LITTLE HOUSEKEEPING BOOK FOR A LITTLE GIRL .. .75
Caroline Benton

300 THINGS A BRIGHT GIRL CAN DO
Lilla R. Kelly

Education

NEGRO EDUCATION ON ALABAMA $3.25
Horace M. Bond
SHOP AND CLASS AT TUSKEGEE 2.00
J. L. Whitting
THE EDUCATION OF THE NEGRO PRIOR TO 1861 .... 2.75
Carter G. Woodson
THE MISEDUCATION OF THE NEGRO 2.25
Carter G. Woodson
FIVE NORTH CAROLINA NEGRO EDUCATORS 1.50
N. C. Newbold

Labor

BLACK WORKERS AND THE NEW UNIONS $4.00
Cayton and Mitchell
ORGANIZED LABOR AND THE NEGRO 3.50
Herbert R. Northrup
SHARE CROPPERS ALL 3.00
Rapier & Reid
THE BLACK WORKERS 4.50
Harris & Spero
THE NEGRO WAGE EARNER 3.25
Greene & Woodson
60 MILLION JOBS 2.00
Henry Wallace

Languages

AN INVITATION TO FRENCH $1.75
Madrigal Launay
FRENCH IN 20 LESSONS 2.00
Cortina
GRAMMAR MADE EASY (ENGLISH) 1.00
Marvin Dana
GRAMMAR RHETORIC AND COMPOSITION 1.00
Richard D. Mallery
SPANISH IN 20 LESSONS 2.00
Cortina

Marriage

A MARRIAGE MANUAL $2.50
Stone & Stone
HAPPINESS IN MARRIAGE 1.50
Margaret Sanger
IDEAL MARRIAGE 7.50
Van De Velde
MARRIAGE, MOTHBALLS AND MORALS 2.00
John Laval
PHYSIOLOGY OF MARRIAGE 3.25
Honore Balzac
SECRETS OF LOVE AND MARRIAGE 2.00
Dr. E. D. Podolsky
SEX LIFE IN MARRIAGE 2.00
Oliver M. Butterfield

Men

BACHELORS QUARTERS $2.00
Norman Lockridge
FOR MEN ONLY 1.25
James M. Cane
HOW TO FIX IT 1.25
Wells & Wells
MEN PAST FORTY 2.00
A. P. Niemoller
MEN WITHOUT WOMEN 1.25
Ernest Hemingway
STAG LINES 2.50
Maxwell Droke
STUDS LONIGAN SERIES 2.00
James Farrell
500 POST WAR JOBS FOR MEN 2.50

Miscellaneous

ARMIES WITH WINGS $2.50
James L. Peck

AROUND THE WORLD WITH HERSHSAW AND COLLINS 2.00
Hershaw & Collins

BLACK AMERICA ABROAD 2.00
Alice E. Magee

COCOANUT SUITE 1.00
Corrine Dean

CULT OF EQUALITY 3.50
Stuart O'Landry

DEMOCRACY IN AMERICA 6.00
Alexis De Tocqueville

FREEDOM IS MORE THAN A WORD 2.50
Marshall Field

FROM SUPERMAN TO MAN 1.50
J. A. Rogers

FIVE FRENCH NEGRO AUTHORS 2.25
Mercer Cook

HOW TO BE SUCCESSFUL NEGRO AMERICANS 1.25
Fitzhugh Styles

JOBS FOR THE PHYSICALLY HANDICAPPED 3.00
Louis Neuschutz

LAUGHING STOCK 2.00
Bennett Cerf

MEMORIES OF EAST SOUTH AMERICA 2.00
Fay McKeene, Hershaw

MODERN NEGRO ART 3.25
James A. Porter

NEGRO CARAVAN 4.50
Brown, Davis, Lee

ONE WORLD 2.00
Wendell Wilkie

READING FROM NEGRO AUTHORS 1.75
Cromwell, Turner & Dykes

STORY OF THE SPRINGFIELD PLAN 2.75
Chatto & Halligan

THE BIOLOGY OF THE NEGRO 5.00
Julian H. Lewis

THE AMERICAN HISTORY QUIZ BOOK 1.50
Edward W. Boykin

THE CONSTITUTION 2.50
James M. Beck

THE FIRST NEGRO MEDICAL SOCIETY 2.25
W. Montague Cobb

THE NEGRO IN COLONIAL NEW ENGLAND, 1620-1776.. 4.50
Lorenzo J. Greene

THE NEGRO IN NORTH CAROLINA 4.00
John H. Franklin

THE NEGRO IN THE ARMED FORCES 1.25
Seymour J. Schoenfeld

THE SPRINGFIELD PLAN 2.50
Alland & Wise

THE STORY OF MANKIND 2.25
Hendrick Van Loon

TIME FOR DECISION 3.00
Sumner Welles

WHAT'S THE ANSWER 1.75
Fred Garrigus

Music

BOOK OF AMERICAN NEGRO SPIRITUALS $3.50
James Weldon Johnson

NEGRO MUSICIANS AND THEIR MUSIC 3.25
Cuney Hare

SLAVE SONGS 3.50
Lydia Parrish

THE NEGRO SINGS A NEW HEAVEN 3.50
Odum Johnson

WERE YOU THERE WHEN THEY CRUCIFIED MY LORD 3.00
Allen R. Crite

Negro History

AN ECONOMIC DETOUR $1.00
M. S. Stuart

NEGRO BUILDERS AND HEROES 3.00
Benjamin J. Brawley

THE AMERICAN NEGRO 1.00
Edwin R. Embree

THE AMERICAN NEGRO 1.25
Melville J. Herskovits

THE NEGRO GENIUS 2.50
Benjamin Brawley

THE NEGRO IN OUR HISTORY 4.25
Carter G. Woodson

THE NEGRO IN CONGRESS 2.50
Samuel Denny Smith

THE MYTH OF THE NEGRO'S PAST 4.00
Melville J. Herskovits

THE NEGRO TOO? IN AMERICAN HISTORY 3.00
Merle Epps

THE NEGRO IN THE RECONSTRUCTION OF VIRGINIA 2.25
A. A. Taylor

THE STORY OF THE NEGRO RETOLD 2.25
Carter G. Woodson

STORY OF THE AMERICAN NEGRO 1.50
Ina C. Brown

HISTORY OF THE N. A. A. C. P. 1.00
Robert L. Jack

Negro Problems

A RISING WIND $2.00
Walter White

ALL BRAVE SAILORS 2.50
John Beecher

AN AMERICAN DILEMMA 7.50
Gunnar Myrdal

AN ANTHOLOGY OF AMERICAN NEGRO LITERATURE .95
Sylvestre Watkins

ALL WHITE AMERICA 2.00
T. T. McKinney

BLIND SPOTS 1.50
Henry S. Leiper

BLACKMAN IN WHITE AMERICA 3.25
J. G. Van Deusen

BROTHERS UNDER THE SKIN 3.00
Carey McWilliams

BROWN AMERICANS 2.75
Edwin Embree

CHARACTERISTICS OF THE AMERICAN NEGRO 4.00
Otto Klineberg

CHILDREN OF BONDAGE 2.75
Davis & Dollard

COLOR AND HUMAN NATURE 2.75
Warner, Junker & Adams

COLORED SITUATION 2.00
Faye P. Everett & Others

DEMOCRACY LIMITED 2.50
Eric E. L. Hercules

GROWING UP IN THE BLACK BELT 2.75
Charles S. Johnson

LEGAL STATUS OF THE NEGRO 5.00
Charles S. Mangum

LET MY PEOPLE GO 2.00
Henrietta Buckmaster

NEGRO AMERICAN'S WHAT NOW 1.25
James Weldon Johnson

NEGRO HANDBOOK, 1944 ..... 3.50
Florence Murray

NEGRO YOUTH AT THE CROSSWAYS 2.75
E. Franklin Frazier

ONE NATION 3.75
Wallace Stegner

Negro Problems—Continued

PATTERNS OF NEGRO SEGREGATION 3.50
Charles S. Johnson

PREJUDICE 3.00
Carey McWilliams

PRIMER FOR WHITE FOLKS 3.50
Bucklin Moon

RACE RIOT 1.50
Alfred M. Lee

RACE DIFFERENCES 2.75
Otto Klineberg

RACE AND RUMOURS OF RACE 2.00
Howard Odum

RIOT AND RUINS 2.00
Rev. A. C. Powell, Sr.

TO MAKE A POET BLACK 3.20
J. S. Redding

THE OLD NEGRO AND THE NEW 1.50
T. Leroy Jefferson

THE RACE QUESTION AND THE NEGRO 2.50
Father La Farge

THE NEGRO'S SHARE 4.50
Richard Sterner

WHAT THE NEGRO WANTS 3.50
Rayford Logan

THE SOUTH IN PROGRESS 2.00
Catherine Lumpkins

New York

BLACK MANHATTAN $2.50
James W. Johnson

HARLEM NEGRO METROPOLIS 3.00
Claude McKay

NEW WORLD A COMING 1.50
Roi Ottley

Novels

A LONG WAY FROM HOME $3.00
Claude McKay

AUTOBIOGRAPHY OF AN EX-COLOURED MAN 2.00
James Weldon Johnson

BACK DOOR 2.50
Julian R. Meade

BLACK DAWN 2.75
Theda Kenyon

DARKER BROTHER 2.50
Bucklin Moon

DOVE FLIES SOUTH 2.50
James A. Hyland

DEEP RIVER 3.00
Henrietta Buckmaster

DUNBAR'S SHORT STORIES 2.50
Paul Laurence Dunbar

ESCAPE THE THUNDER 2.00
Lonnie Coleman

FREEDOM ROAD 1.00
Howard Fast

GO DOWN MOSES 2.00
William Faulkner

IF HE HOLLERS LET HIM GO 2.50
Chester Himes

JOHN HENRY 2.50
James C. Bowman

KINGS ROW 2.75
Henry Bellaman

NATIVE SON 2.50
Richard Wright

NO DAY OF TRIUMPH 3.00
J. Saunders Redding

NOT WITHOUT LAUGHTER 2.00
Langston Hughes

NONE BUT THE LONELY HEART 2.50
Eleanor B. Greene

Novels—Continued

SAPPHIRA AND THE SLAVE GIRL 2.50
Willa Cather

STRANGE FRUIT 2.75
Lillian Smith

SWING LOW 2.50
Edwin A. Peeples

THE RAVEN 3.50
Chancellor Williams

THE PEOPLE FROM HEAVEN 2.50
John Sanford

THE CASE OF MRS. WINGATE 3.00
Oscar Michaux

THE RED COCK CROWS 2.75
Frances Gaither

THE STORY OF DOROTHYE STANFIELD 3.00
Oscar Michaux

THE SUN IS MY UNDOING 2.00
Margaret Steen

THE MANATEE 2.50
Nancy Bruff

O'CANAAN 2.50
Waters Turpin

WAYS OF WHITE FOLKS 2.00
Langston Hughes

WINDS BLOW GENTLY 2.50
Ronald Kirkbride

WIND FROM NOWHERE 2.75
Oscar Michaux

WINDS OF FEAR 2.50
Hodding Carter

UNCLE TOM'S CHILDREN 1.00
Richard Wright

UNDER THE COTTONWOOD 2.50
Catherine C. Graham

TUCKERS PEOPLE 1.50
Ira Wolfert

Poetry

A TRAIPSIN HEART $1.00
Mildred M. Hill

A STREET IN BRONZEVILLE 2.00
Gwendolyn Brooks

DREAM KEEPER 2.00
Langston Hughes

DUNBAR'S COMPLETE POEMS 3.00
Paul Laurence Dunbar

GOD'S TROMBONES 2.50
James Weldon Johnson

GOLDEN SLIPPERS 2.50
Arna Bontemps

FOR MY PEOPLE 2.00
Margaret Walker

NEGRO POETS AND THEIR POEMS 2.75
Robert Kerlin

RENDEZVOUS WITH AMERICA 2.00
Melvin Tolson

SHAKESPEARE IN HARLEM 2.50
Langston Hughes

SONGS FROM THE DARK 1.00
Nick A. Ford

SONGS OF MAGNOLIA 1.50
Julius C. Hill

SONGS OF THE SOUL 1.00
Shokumbi

THIS IS MY BELOVED 2.00
Walter Benton

WEARY BLUES 2.00
Langston Hughes

WE WHO WOULD DIE 2.00
Dr. Binga Dismond

THE BOOK OF AMERICAN NEGRO POETRY 2.50
James W. Johnson

Psychology

DON'T BE AFRAID $2.00
Edward S. Cowles

GET MORE OUT OF LIFE 2.50
Adrain J. Gilardi

MAKE MOST OF YOUR LIFE 2.00
Douglas Lurton

PSYCHOLOGY OF SEX RELATIONS 3.00
Theodore Reik

SOCIAL PSYCHOLOGY 2.50
William McDougal

THE QUEST FOR HAPPINESS 1.75
Sadler & Sadler

WHERE DO PEOPLE TAKE THEIR TROUBLES 3.00
Lee R. Steiner

YOUR PERSONALITY 2.00
Edna Smith

Religion

BABYLONIAN TALMUD $3.00
Leo Auerback

BIBLE DICTIONARY 4.25
Funk & Wagnall's

BLACK GOD'S OF THE METROPOLIS 2.00
Arthur H. Fausett

HISTORY OF THE NEGRO CHURCH 2.75
Carter G. Woodson

HARLEM: THE WAR AND OTHER ADDRESSES 1.75
Rev. John H. Johnson

PALESTINE: SAINTS IN CRASERS HOUSEHOLD 1.50
Rev. A. C. Powell, Sr.

PILGRIM'S PROGRESS 1.50
John Bunyon

RELIGION IN HIGHER EDUCATION AMONG NEGROES 3.00
Richard I. McKinney

SACRED BOOKS OF THE EAST 2.50
Epiphanius Wilson

SEVEN MINUTES AT THE MIKE 1.50
W. H. Borders

STORY OF THE BIBLE 1.50
Henry Van Loon

THE NEGRO'S GOD 2.00
Rev. Benjamin E. Mays

Slavery

CAPITALISM AND SLAVERY $3.00
Eric Williams

CONTROVERSY OVER THE DISTRIBUTION
OF ABOLITION LITERATURE 2.25
W. Sherman Savage

EARLY AMERICAN VIEWS OF NEGRO SLAVERY 2.00
Matthew T. Mellon

FIREBELL IN THE NIGHT 2.75
Constance Robertson

PLANTATION SLAVERY IN GEORGIA 4.00
R. B. Flanders

SLAVERY TIMES IN KENTUCKY 3.00
J. W. Coleman

STORIES OF THE UNDERGROUND RAILROAD 1.75
Anna L. Curtis

THE SLAVERY CONTROVERSY 3.50
Arthur Y. Lloyd

Women

PREGNANCY AND MOTHERHOOD 2.00
Porter Brown

THE CORRECT THING TO DO, TO SAY, TO WEAR 2.00
Charlotte H. Brown

WOMAN, HER SEX AND LOVE LIFE 3.00
M. J. Robinson

WOMEN AFTER FORTY 1.75
Grace L. Elliot

Answer the Critic

Fair Play of F.E.P.C.

TRY THIS QUIZ AT HOME

[redacted]

Can Public Welfare Be Fully Served Without An FEPC Law?

1. **AGAINST**—***The best way to do away with discrimination in employment is to achieve full employment.***

FOR—That is not necessarily so. In periods of full employment there is still discrimination: minorities are arbitrarily restricted to certain jobs (usually the menial, lower-paid jobs) or paid less wages than others for the same work. If full employment automatically meant fair employment, there would have been no need for FEPC during the war.

2. **AGAINST**—***Prejudice is an attitude, and attitudes cannot be changed by law any more than the Prohibition Law changed the drinking attitudes of the nation.***

FOR—This law has nothing to do with prejudice itself; it merely seeks to prevent the manifestations of prejudice of one person from inflicting themselves upon the economic life of another, within the limits of federal jurisdiction in employment. FEPC is related to prejudice only as laws forbidding driving while drunk are related to drinking.

3. **AGAINST**—***Attempts to enforce a law involving people's prejudices will create disruption and disunity. Group hatreds would be intensified. Conflicts and even race riots might result.***

FOR—On the contrary, this law is a necessary safety device. By maintaining impartial machinery for the orderly redress of grievances and for interpreting the law, it provides one of the best means of preventing racial strife. Those who suffer discrimination would be less likely to be driven to violent or unlawful behavior, or to be misled by un-American propagandists, when they know they can turn to the government for redress. Those who would wish to practice discrimination in employment would be less likely to do so if they knew the law would be enforced.

4. **AGAINST**—*If left alone, public opinion will automatically do away with discrimination. This law is revolutionary; it will upset the normal trend of progress.*

FOR—Human nature being what it is, even the Ten Commandments need to be implemented by legislation. The function of government in a democracy is to make public opinion the law of the land. Public opinion is effective only if it invokes sanctions, and now the public is ready to do so. This is indicated by the fact that spokesmen for organizations involving over sixty million people testified before the House and Senate Labor Committees in behalf of this FEPC legislation to implement their desire that there be no job discrimination in areas where the Federal Government has jurisdiction.

5. **AGAINST**—*This type of legislation is little more than a political bid for the votes of minorities.*

FOR—Politicians achieve or hold office by will of the majority of the voters in their districts, and their success depends upon their ability to reflect or anticipate public opinion. But even on the basis of politics alone, the fact remains that if FEPC is important enough politically to make a considerable difference in vote-getting, the welfare of the country certainly demands it. Moreover, it is a mistake to assume that only minorities are in favor of this legislation.

6. **AGAINST**—*Discrimination can best be eliminated through the educational process. We should look to the school and the church for the teaching of the evils of discrimination.*

FOR—Great progress is being made in these fields, but church and educational leaders support FEPC legislation as a bulwark to their teachings of fair practice, just as they support laws against stealing and other such infringements upon the rights of others as a bulwark to their teachings in other fields of honesty and morality. Besides, experience has shown that one of the easiest ways to be educated out of a prejudice is to have the actual experience of working beside a member of the group about which one has had false notions.

7. **AGAINST**—*Wouldn't it be wiser to experiment for a few years with an educational type of FEPC, but without enforcement powers?*

FOR—We already have the example and experience of four years of operation of an FEPC without enforcement powers, and are long past the experimental stage. We know from experience that even when discrimination delayed production of war material, some employers and unions ignored the pleas of the wartime FEPC. We also know that the remarkable record of compliance achieved by the wartime FEPC, despite its lack of enforcement powers, was made possible because of the manpower shortage and the pressure of the all-out effort on the home front. In peacetime these urgencies no longer exist. Enforcement powers are intended and required only for those who would refuse to comply with the law voluntarily. They should not be allowed to set a bad example and encourage lawlessness.

8. **AGAINST**—*Every individual has the right to discriminate. We all do, consciously or unconsciously, in the selection of our friends, our tradesmen, etc.*

FOR—Every individual has the right to grow roses or potatoes in his back yard, whichever he chooses. But he cannot grow either in the public road in front of his house. This law does not apply to the individual's personal or social life. It only prohibits him from inflicting his prejudices upon the job rights of others.

9. **AGAINST**—*This is "class legislation." It gives special privileges to special groups.*

FOR—No special privilege is granted any group. The law seeks merely to prevent the withholding of certain privileges from special groups. Its purpose is simply to extend to all in the area of federal jurisdiction, the privilege of being considered for employment on the basis of ability, character and training, regardless of race, color, creed or national origin.

10. **AGAINST**—*Such a law would lead to a quota system, and the criterion would become race, color, creed or national origin, instead of ability.*

FOR—A quota system would indeed be discriminatory and FEPC would prevent, rather than encourage its use.

11. **AGAINST**—*A Federal law would come in conflict with State segregation laws or community segregation customs where they exist.*

FOR—This law can be applied only in connection with equal job opportunity. It has nothing to do with racial separation in places of public accommodation.

12. **AGAINST**—*A Federal law would infringe on States' rights. Why not let the States that need it and are ready for it enact State laws?*

FOR—States, both as a practical matter and under the Constitution, cannot regulate the areas of interstate commerce, Federal employment and Federal contracts which this bill embraces. Purely local business is not affected by this bill. If a State does not need an FEPC it will not be adversely affected by a Federal FEPC; if it does, a Federal FEPC is the best way to begin, since it would apply only to that portion of its industry which is in interstate commerce or under contract to the Federal government. The whole theory of Federal regulation of interstate commerce is based on the realization that one State must be protected against unfair competition from another. To allow an industry in interstate commerce to compete unfairly with industry in other States by virtue of discriminatory wage rates, etc., is in direct violation of the U. S. Constitution.

13. **AGAINST**—*Minority group workers are often unclean and afflicted with disease. Why should others be forced to work beside them?*

FOR—The law does not require an employer to hire anyone who is unclean or afflicted with contagious disease. An employer is free to set any cleanliness or health standards he may wish. Social and health studies, however, have demonstrated that uncleanliness and disease are not peculiar to persons of any one race or religion, but are the unfortunate result of low economic and living standards.

14. **AGAINST**—*This law would repeal all veterans' special preference laws.*

FOR—It would not. If anything, it would give emphasis to the unfairness of discrimination against veterans of minority groups.

15. **AGAINST**—*This law would interfere with religious schools; it would compel a Catholic school to hire a Protestant teacher.*

FOR—The law is not intended to apply to schools, religious or otherwise.

WHAT IS ITS EFFECT ON BUSINESS?

16. **AGAINST**—*FEPC would destroy the American system of free enterprise.*

FOR—Free enterprise does not mean unlimited license. The basis of Anglo-American jurisprudence is the realization that every man owns and operates his property and business subject to the requirements of the public welfare. If there were no impartial governmental referee continually on guard, the free enterprise system would soon destroy itself. Besides, there is no free enterprise as long as work opportunities are arbitrarily denied certain groups regardless of ability, character, aptitude and training.

17. **AGAINST**—*This law creates another regulatory body. Business is already subject to excessive regulation.*

FOR—There are scores of laws to safeguard the property and other rights of business. Human rights are no less important than property rights, and equally deserve the protection of law.

18. **AGAINST**—*The success of business depends on the employer-employee relationship. The law restricts rights of an employer in employee selection and takes away his right to manage his own business.*

FOR—No restriction is placed on the employer's right to employ or to upgrade an employee on the basis of his own judgment of the candidate's training, experience, ability, personality, or whatever standards he may choose to set. Nor does the law force business to hire any person or refrain from firing any specific person. On the contrary, it protects him in his right to choose the best candidate without regard to race, creed, color or national origin.

19. **AGAINST**—*Is it fair to insist that an employer hire members of a minority group if his other employees refuse to work with them? This might induce friction between the workers themselves, and between workers and management.*

FOR—The law applies to unions as well as to management, or it would be discriminatory in itself, and the industries where the law would apply are practically all unionized. Besides, it has been the experience of the overwhelming majority of employers who have (many of them for the first time during the war) employed minority-group workers that their fears of employee friction were not realized.

20. **AGAINST**—*The FEPC can force an employer to hire a complainant, even though the employer has no vacancy and would have to fire an employee to take the complainant.*

FOR—FEPC would have no authority to compel an employer to hire when no vacancy exists, or to fire an employee to create a vacancy for anyone.

21. **AGAINST**—*Enforcement of the law will add to the businessman's cost of running his business.*

FOR—On the contrary, it will protect him in his right to hire the best man for the job. It will help also to eliminate unfair price cutting of competitors who pay lower wages to minorities.

IS IT A GOOD PUBLIC INVESTMENT?

22. **AGAINST**—*No one has the right to interfere with the way in which a man conducts his business.*

FOR—It is the legitimate concern of a community that industry within its environs should employ all available labor, without regard to race, creed, color or national origin. The short-sighted employer who limits the materials he can produce and sell because he refuses to hire minority-group workers not only keeps down his own profits; he also keeps down the income of the entire community. Raising the living standards of the most depressed group in a community automatically results in raising the standards of all other groups. The corner grocer, the dry goods merchant, the

public utilities, all prosper when the workingman has a job and decent wages.

23. **AGAINST**—*This law would raise the tax burdens of citizens.*

FOR—The increased productivity and income of minority-group workers would more than offset the small cost of administration.

24. **AGAINST**—*Some minorities, notably Negroes and Mexican-Americans, will work for less money, thereby undercutting wage rates and reducing the standard of living generally.*

FOR—The bill provides specifically that there shall be no wage differential; that all conditions of work, including wages, be the same for each job classification regardless of race, creed, color or national origin. It would help, instead, to raise the general standard of living.

25. **AGAINST**—*Business is reluctant to make new investments, or to expand, in industrial areas where there is racial tension.*

FOR—Enforcement of the law would encourage expansion and new investment, for it would help to alleviate the racial tensions in the areas of job competition.

26. **AGAINST**—*Because minorities often act as strike breakers, they are a threat to unions and to all that unions can accomplish in the way of improvements for workers.*

FOR—Minorities are as quick to join unions as any others to whom the benefits of unions are explained. Usually it is a union's refusal to accept minorities into full membership, especially in closed shop industries where only union members may work, that encourages minorities to become strike breakers as the only means of making a living. The best way to make certain that no minority group is forced to undermine the unions in order to eat is to admit it to membership. The bill makes it unlawful for unions to discriminate in any way against minorities, thus opening new job opportunities to them, giving them all the benefits of unionism, strengthening the unions themselves, and helping to remove the strike-breaking threat.

27. **AGAINST**—*FEPC would upset the patterns of community life.*

FOR—On the contrary, it would tend to normalize community life. In a scarce labor market FEPC would help to make sure that business uses local labor, thus benefiting the community and lessening the need to import outside labor which might also create housing and other shortage problems. When labor is too plentiful in a community and the competition for jobs is keen, FEPC would help to alleviate any racial tensions by ensuring fair employment practices.

28. **AGAINST**—*This bill opens the door for every communist, fascist, nazi, or anyone believing in radical philosophies contrary to the principles of U. S. democracy to obtain key positions in business and unions. FEPC could place radicals in key spots and socialize the nation.*

FOR—The term "creed" in the bill refers to religious belief or affiliation, and not to political belief or affiliation. Besides, FEPC is not an employment agency. It will not create or fill jobs, but will only guard against discrimination on the specific grounds listed in the bill: race, color, creed or national origin. The social stability of the nation is, in the last analysis, the social stability of its individual families. Without FEPC, the door is left wide open for the worst type of un-American agitation. Clergymen, police officers and social workers are continually faced with the problems of social maladjustment created by discrimination.

ADMINISTRATION AND ENFORCEMENT

29. **AGAINST**—*This law would be impossible to enforce. The charge of discrimination is easy to make, but how can it be proved?*

FOR—Actually discrimination is easy to prove. Most often employers admit it. Several unions have discriminatory clauses in their constitutions or by-laws. Discrimination, where practiced, is usually a well-established policy, openly acknowledged and recorded in union contracts, newspaper advertisements, orders to the United States Employment Service or other employment agencies, payroll records, etc.

30. **AGAINST**—*The mere existence of FEPC would encourage every unsuccessful candidate for a job to presume discrimination, and to harass and involve business and unions in unjustifiable and costly litigation with FEPC.*

FOR—Absence of discrimination is equally easy to prove. Trained investigators can screen out and dismiss groundless charges without formal proceedings, and sometimes even without contact with the persons accused. Herein lies one of the greatest advantages of having an administrative agency on hand to protect management as well as employees. The wartime FEPC dismissed as groundless two-thirds of all complaints filed with it.

31. **AGAINST**—*Even if an employer were proved not guilty of discrimination, he would be subject to unfavorable publicity and his business might suffer until cleared.*

FOR—The practice is to give no publicity to a case until and unless the public hearing stage is reached. By that time FEPC must have gathered together enough evidence of discrimination to justify a public hearing, and the employer accused of discriminating would have an equal opportunity in that hearing to refute any charges made against him. The law ensures him that right.

32. **AGAINST**—*The proposed FEPC would have too much power: it would be the instigator, investigator, prosecutor and judge, all in one.*

FOR—The bill would set up a quasi-judicial agency, specifically and only for the purpose of investigating and judging whether the law had been violated, and endeavoring to secure compliance with the law. Its primary function will be to endeavor to secure voluntary compliance; the enforcement power exists only as a last resort for recalcitrants. The procedures of the FEPC are patterned after those followed by other long-established quasi-judicial administrative agencies, such as the Federal Trade Commission, Interstate Commerce Commission, Federal Communications Commission, National Labor Relations Board, etc. The Supreme Court has established ample protection for fair hearings before such agencies. The final power to enforce the law and to invoke sanctions and penalties rests not with FEPC, but with the Federal Courts.

33. **AGAINST**—*Why not provide trial by jury in a community where the violation occurs, rather than by a bureaucratic machinery controlled in far-away Washington?*

FOR—Since discrimination is not made a crime, a jury trial (used in criminal cases or private suits to settle differences) is not necessary or proper. Trial by jury will be accorded those who are charged with a crime under the bill, but this applies only to those who "willfully" interfere with Commission agents "in the performance of duties pursuant to this Act," and therefore are subject to a criminal charge. Where no such crime in involved, but the problem is one of discriminatory employment practices involving only honest differences of opinion, misunderstanding, or other non-criminal violations of administrative regulations, the bill adopts the humane view that such a situation requires correction rather than punishment. Society has a stake in eliminating discrimination, and should assume the responsibility and costs of enforcement by administrative machinery. It should not leave it to individuals to hire their own lawyers to enforce a Federal law. Such enforcement means would be haphazard, complicated, time-consuming, costly, and hardly uniform. The average worker cannot afford protracted court cases. Those who need enforcement of the FEPC law are not able to hire their own lawyers. An administrative agency provides the most speedy, effective and inexpensive means of redress for both worker and employer.

34. **AGAINST**—*The Federal Courts should handle all the judicial aspects from the beginning, instead of the FEPC.*

FOR—An administrative agency handling all the judicial aspects of a case until the point where it must turn to the Courts for enforcement, has the following advantages:

A. Permits a commission of experts and a trained staff to devote full time to the complex problem of job discrimination.

B. Insures uniformity of interpretation, as against the possibility of differing interpretations by almost 100 Federal District Courts.

C. Permits the simple screening out of unjustified complaints. A respondent has to defend every suit filed against him in court, hire lawyers, etc.

D. Avoids legal costs and saves time for both plaintiff and defendant.

E. A judge is an umpire. His only role is to listen and to adjudicate in cases argued before him by opposing parties. An administrative agency's function is more analagous to a court agent, such as a probation officer in juvenile cases, or a special officer in domestic relations cases. Here the function is to iron out the problem humanely, reserving only the unadjustable cases for the courts.

35. AGAINST—*The Federal Courts could not hear new evidence.*

FOR—The courts could certainly consider the relevancy of new evidence and, if they wished, could send the case back to the FEPC with instructions for further adjudication in light of the new evidence.

36. AGAINST—*Why limit it only to discrimination on grounds of race, etc.—why not include also sex, or age, or refusal to belong to a union?*

FOR—Discrimination on grounds of sex or age is based on unique factors which have no relation to the overall problem to which this bill is directed and is best handled separately. Legislation has been introduced in the Senate and House to eliminate discrimination in employment because of sex. The question of refusal to hire because of unwillingness to join a labor union is in essence the highly controversial "closed shop" issue; the optional choice of union membership can hardly be considered on the same basis as race, color, creed, etc.

CONSTITUTIONALITY

37. AGAINST—*The bill is unconstitutional.*

FOR—Final determination as to constitutionality of laws passed by the Congress rests with the U. S. Supreme Court. The FEPC bill, however, was reviewed from the standpoint of its constitutionality and in light of previous Supreme Court decisions on similar legislation, and the official report of the Senate Committee on Education and Labor on S.101 states: "The provisions of this bill follow well-marked legislative

precedents which have met the test of constitutionality in the courts." The following citations are abstracted from this report:

Government Employment: The congressional power to regulate employment practices of all Federal Agencies is found in Article I, Section 8 of the Constitution. No challenge to this power has ever been successful in the courts. See *United States* v. *Mitchell*, 89 F. 2, 805, 8-9 (App. D.C.).

Government Contracts: The congressional power to prescribe the terms on which the Federal Government may contract with private parties has been upheld in *Perkins* v. *Lukens Steel Co.*, 310 U. S. 113, 127.

Regulation of Commerce: The congressional power to regulate employment relations affecting interstate or foreign commerce has been upheld in *National Labor Relations Board* v. *Jones & Laughlin Steel Corp.*, 301 U. S. 1; *Texas & New Orleans Ry.* v. *Brotherhood*, 281 U. S. 548; *United States* v. *Darby*, 312 U. S. 100; *Kentucky Whip & Collar Co.* v. *Illinois Central Railroad Co.*, 299 U. S. 334. The FEPC bill stays within the limits marked out by the statutes upheld in the foregoing cases.

Labor Unions: In *Steele* v. *Louisville & Nashville Railroad*, 323 U. S. 192, the Supreme Court unanimously held that discrimination because of race by a railway labor union against non-members was illegal. A New York State law forbidding unions to discriminate in membership on grounds of race, color or creed, was held to be in accord with the U. S. Constitution by the U. S. Supreme Court in the case of *Railway Mail Ass'n* v. *Corsi*, 326 U. S. 88.

State Rights: The bill is not an invasion of State rights since it is limited to interstate commerce and to Federal activities which are the primary constitutional concern of the Federal Government rather than the States. See *National Labor Relations Board* v. *Jones & Laughlin Steel Corp.*, 301 U. S. 1; *United States* v. *Darby*, 312 U. S. 100; *Kentucky Whip & Collar Co.* v. *Illinois Central Railroad Co.*, 299 U. S. 334.

Partial List of Cooperating National Organizations

Alpha Kappa Alpha Sorority
American Civil Liberties Union
American Council on Race Relations
American Federation of Labor
American Friends Service Committee
American Jewish Committee
American Jewish Congress
American Unitarian Association
American Unitarian Youth
Americans United for World Organization
B'nai B'rith
Catholic Interracial Council
Central Conference of American Rabbis
Church League for Industrial Democracy
Committee of Racial Equality
Common Council for American Unity
Congregational Christian Churches (Council for Social Action)
Congress of Industrial Organizations
Council Against Intolerance in America
Delta Sigma Theta Sorority
Evangelical and Reformed Church, General Synod
Federal Council of the Churches of Christ in America
Fraternal Council of Negro Churches in America
Free World, Inc.
Friends Committee on National Legislation
Improved Benevolent & Protective Order of Elks of the World
Independent Committee of the Arts, Sciences & Professions
Iota Phi Lambda Sorority
Japanese-American Citizens League
Jewish Labor Committee
Jewish War Veterans of the United States
League of United Latin American Citizens
March on Washington
Methodist Church, General Conference
Methodist Ministers' Union
National Alliance of Postal Employees
National Association for the Advancement of Colored People
National Association of Colored Graduate Nurses
National Bar Association
National CIO Committee to Abolish Racial Discrimination
National Committee to Abolish Anti-Semitism
National Community Relations Advisory Council
National Conference of Christians and Jews
National Consumers League for Fair Labor Standards
National Council of Catholic Women
National Council of Jewish Women
National Council of Negro Women
National Council of Student Christian Associations
National Council for a Permanent FEPC
National Farmers Union
National Federation for Constitutional Liberties
National League of Women Shoppers
National Negro Congress
National Negro Insurance Association
National Religion & Labor Foundation
National Urban League
National Women's Trade Union League of America
Negro Newspaper Publishers Assn.
Postwar World Council
Presbyterian General Assembly
Sigma Gamma Rho Sorority
Southern Conference for Human Welfare
Southern Tenant Farmers Union
Study Conference on Just and Durable Peace
Union of American Hebrew Congregations
Union for Democratic Action
United Council of Church Women
United States Student Assembly
Women's Division of Christian Service, Methodist Church
Women's Division of the American Jewish Congress
Women's International League for Peace and Freedom
Workers Defense League
Young Men's Christian Association, National Board
Young Women's Christian Association, National Board

THE FEDERAL PERMANENT FEPC BILL

A Digest-Analysis of S. 101 and H. R. 2232

The Permanent Fair Employment Practice Commission will have but one function: to prevent arbitrary discrimination in employment because of race, color, creed, national origin, or ancestry. It would be the primary responsibility of the Commission to attempt to secure voluntary compliance with the FEPC law. Any party aggrieved by an order of the Commission may appeal to any U. S. Circuit Court of Appeals. When the Commission fails to secure voluntary compliance with a Commission order, it is empowered to apply to the U. S. Circuit Court of Appeals for a court order.*

Management continues free to set its own hiring, training and upgrading practices, to adjust its internal plant policy, and to discharge according to any standard it may adopt, so long as there is no arbitrary discrimination because of race, color, creed, national origin, or ancestry. In the same way, organized labor continues free to manage its internal affairs according to its own lights, except that it cannot deny any of the advantages of opportunities of union organization and collective bargaining to any person because of race, color, creed, national origin, or ancestry.

Scope of the Bill

1. All agencies of the Federal Government.
2. Employers of six or more[1] persons whose operations affect interstate or foreign commerce.
3. Contractors or subcontractors performing services for the Federal Government.
4. Labor unions whose practices affect interstate or foreign commerce. (In S. 101 unions of Federal employees are included.)

Procedures of the FEPC

1. Receives and investigates complaints.
2. Endeavors to adjust complaints by informal and voluntary methods.[2]
3. Where informal negotiations fail, conducts public hearings in which parties charged have right to employ attorneys.
4. If public hearings reveal discrimination, FEPC may issue a formal "cease and desist order." It may also order reinstatement or hiring of employees discriminated against, with or without back pay.
5. Administrative procedures are similar to those of ICC, NRLB, FTC, SEC, FCC, and other like agencies of the Federal Government. The Supreme Court has established ample protection for fair hearings before such agencies.

Enforcement Powers

1. If a cease and desist order (issued after public hearings) is defied, FEPC can do no more than petition the U. S. Circuit Court of Appeals to back up its order. The Court, after review of the case may issue a court decree ordering compliance with the FEPC order. Violation of a court decree is punishable, by the Court, as a "contempt of court."
2. Federal Government contracts may be withheld from violators of the law.

---

* Since court review is not applicable where employment in a Federal agency is concerned, enforcement is referred to the President.

3. The only criminal penalty provided is for willful interference with FEPC agents "in the performance of duties pursuant to this Act." In such circumstances, jury trial is available to persons so charged. (It is common practice to include such a protective provision in Federal legislation.)
4. When an agency or official of the Federal Government violates the law, since court action is not applicable, referral is to the President for enforcement, and he may discharge any willful violator.

Judicial Review

1. Only the Court—after judicial review—can enforce an order of the FEPC.
2. Judicial review procedures are similar to those provided for NLRB orders in the law establishing that agency.[3]
3. Any employer or union dissatisfied by an FEPC order may appeal to the Court.
4. The Court will review all questions of law. On questions of fact, the findings of the FEPC will have to be supported by substantial[4] evidence. This is the customary procedure for judicial review of administrative agencies, approved in the past by the Supreme Court.

Supervision and Check

1. Members of the five-man Commission will be named by the President, to serve five-year terms, but must be approved by the Senate.
2. Regulations of the FEPC are subject to automatic review of the Congress, and may be amended or cancelled by the Congress.
3. Congress automatically reviews the operations of all Federal Agencies when acting upon their annual requests for appropriations.
4. Congress may at any time investigate the conduct of a Federal Agency.
5. Judicial review. (See foregoing)

Amendments

The following amendments, introduced in the Senate, are unopposed by the National Council for a Permanent FEPC, on advice of its Legal Committee. (Numbers correspond to footnote numbers in foregoing.)

[1] Only employers or unions of 25 or more persons would be covered.
[2] A section would be inserted to remove any doubt that the Commission must give no publicity to efforts to adjust complaints by conference, conciliation and persuasion, until such efforts fail and public hearing is deemed necessary.
[3] Judicial review procedures would be similar to those provided by law for the Federal Trade Commission, rather than the NLRB.
[4] The word "substantial" would be written into the bill to remove any doubt that substantial evidence would be required by the courts.

For additional copies—free of charge—write:

NATIONAL COUNCIL FOR A PERMANENT FEPC

930 F Street, N. W.

Washington 4, D. C.

ASA PHILIP RANDOLPH

SUBJECT FILE

FAIR EMPLOYMENT PRACTICE COMMITTEE
Proposed Bills

1944-51

RUSSELL AMENDMENT

(Section 213 of the Independent Offices Appropriation Act of 1945; Public Law 358, 78th Congress, approved June 27,1944)

"Sec.213. After January 1, 1945, no part of any appropriation or fund made available by this or any other Act shall be allotted or made available to, or used to pay the expenses of, any agency or instrumentality including those established by Executive order after such agency or instrumentality has been in existence for more than one year, if the Congress has not appropriated any money specifically for such agency or instrumentality or specifically authorized the expenditure of funds by it. For the purposes of this section, any agency or instrumentality including those established by Executive order shall be deemed to have been in existence during the existence of any other agency or instrumentality, established by a prior Executive order, if the principal functions of both of such agencies or instrumentalities are substantially the same or similar. When any agency or instrumentality is or has been prevented from using appropriations by reason of this section, no part of any appropriation or fund made available by this or any other Act shall be used to pay the expenses of the performance by any other agency or instrumentality of functions which are substantially the same as or similar to the principal functions of the agency or instrumentality so prevented from using appropriations, unless the Congress has specifically authorized the expenditure of funds for performing such functions."

NC-FEPC 3rd

ANALYSIS OF TAFT FEPC BILL, S. 459, AS COMPARED WITH BI-PARTISAN BILL, S. 101

Issued by
National Council for a Permanent FEPC
930 F St., N. W., Washington 4, D. C.
February 14, 1945

1. Purpose - The Taft Bill does not make discrimination in employment unlawful, as does S. 101 (which is the companion bill to the House Bi-Partisan Bill)

2. Enforcement Powers - The Taft Bill has no enforcement provision. All the new Commission can do is to recommend plans for elimination of discrimination found to exist, and to offer technical assistance in carrying out such plans as employers or unions may voluntarily accept. It must rely exclusively upon the good will and cooperation of those whose discriminatory practices it is supposed to have investigated.

Although the present FEPC has no enforcement powers, either, it has had in its favor an acute manpower shortage; it has been backed by the Executive Order requiring the insertion of non-discrimination clauses in government war contracts, and it does have recourse to certification to the President and reliance upon his special wartime powers. These conditions will not obtain in the postwar period.

The Bi-Partisan Bill, gives the new Commission authority to enforce the law through the usual court processes. Management is left free to set its hiring, training and upgrading practices, to adjust its internal plant policy, and to discharge according to any standard it may adopt, so long as there is no arbitrary discrimination because of race, creed, color, national origin, or ancestry. In the same way, organized labor is left free to manage its internal affairs according to its own lights, except that it cannot deny any of the advantages or opportunities of union organization and collective bargaining to any person because of race, creed, color, national origin, or ancestry. All findings are subject to judicial review.

3. Coverage - Grounds of discrimination listed in the Taft Bill are limited to "race, creed or color." Discrimination on grounds of national origin or ancestry is not included, as in S. 101. This denies coverage to 3,000,000 Americans of Mexican or Hispanic origin, and to the millions of other Americans of foreign ancestry.

4. Federal Government Employment - The Taft Bill authorizes the Commission to investigate discrimination in Federal employment (although 25 percent of cases handled by the present FEPC involve such employment) and subsequently to recommend to Congress a plan or legislation to eliminate such discrimination. Thus, instead of having the Federal Government set an example, it appears to set higher standards for private industry than for government.

The Bi-Partisan Bill authorizes the Commission to refer such cases to the President where necessary. It also provides for dismissal from the Federal service of officials found guilty of willful violation of the Act.

5. Contracts. The Taft Bill does not require that contracts entered into by the Federal Government contain a clause forbidding discrimination, as does the Bi-Partisan Bill. It thus deprives the Government of a most effective means of implementing national policy and preventing discrimination.

6. Protection and Redress. The Taft Bill does not provide protection from reprisals against an employee who has charged discrimination, as does the Bi-Partisan Bill. It does not provide for relief to those found to have been discriminated against, such as hiring, back pay, or reinstatement, as does the Bi-Partisan Bill. It does not provide for a blacklist of contractors who violate the law, as does the Bi-Partisan Bill.

The Washington Post
Registered in U. S. Patent Office.
An Independent Newspaper
(Published every day in the year.)
4 B Sunday, February 11, 1945

Shadow And Substance

Senator Robert A. Taft proposes, by a wave of his legislative wand, to transform the projected Fair Employment Practice Commission into a disembodied spirit. If it can be reduced to this innocuous state, he reckons, even "the opponents themselves should be willing to withdraw their opposition." Of course they would withdraw it. They have no objections, so far as we know, to the theory of equal opportunity. Their objection is to putting the theory into practice. This is what a genuine FEPC would be empowered to do. As conceived in the bipartisan bills now before the House Labor Committee, the FEPC would possess the authority to issue orders forbidding discrimination in employment and to turn to the Circuit Courts of the United States for enforcement in the manner of the National Labor Relations Board. Senator Taft's proposal would be an exceedingly hollow substitute for such a law.

What Senator Taft proposes amounts to nothing more than a set of regional boards to study discrimination and advise against it. That discrimination exists, and is widespread, is not to be doubted. When he introduced his bill, Mr. Taft declared that an FEPC is "justified by the fact that Negroes do not have the opportunities for employment enjoyed by white men. In many places they are the last to be employed and the first to be laid off." Since this is known, the taxpayers' money need scarcely be spent to discover it. The real need is to do something about it. And in this regard, the gentleman from Ohio has undergone a rather surprising change of mind since last fall—prior to the elections—when he concurred in the favorable report of the Senate Committee on Education and Labor on a bill to establish a permanent FEPC with full enforcement powers. Moreover, he seems to have moved far from the clear intent of his party's platform pledge—which Governor Dewey has taken concrete steps to implement at least in the State of New York.

Mr. Taft recited the now tediously familiar argument against enforcement of fair employment practices in these words: "Progress against discrimination must be made gradually and must be made by voluntary cooperation and education . . ." This is a truism. But it ignores the immense force of legislation in the educative process. When the Federal Government condones—or fails to forbid—evil practices, it lends encouragement to their growth. By making such practices illegal, it enlists the voluntary cooperation of an overwhelming majority of citizens. For most Americans accord respect to the laws enacted by Congress. And it is, at least in part, through these laws that they come to understand what course of conduct is consonant with the welfare of the society in which they live.

There is nothing more fundamental to a democratic society than equality of economic opportunity. If it cannot be absolutely guaranteed by law, it can certainly be significantly fostered. And insistence upon the observance of this equality, through vigorous governmental enforcement, is at once an impetus to and an essential concomitant of education. Nothing so effectively served to bring about the acceptance of collective bargaining in our industrial relations as the force of law. When the Government took firm steps to forbid discrimination in the Philadelphia transit situation of last summer, all but a few bigots gave their voluntary cooperation; and these few were quickly forced into line. The example set by the Government in that situation afforded more education, we dare say, than a score of pious resolutions by the senior Senator from Ohio. It is time for the Government of the United States to go unequivocally on record in support of the doctrine that all Americans have an equal right to jobs.

No 2nd FEPC

COMPARISON OF PRESENT AND PROPOSED FEPC

The Present FEPC	The Proposed FEPC(S1101)
Duration	**Duration**
June 30, 1945	As long as needed
Scope	**Scope**
1. All federal agencies	1. All federal agencies.
2. Contractors performing services for United States government.	2. Contractors performing services for United States government.
3. Any industry, no matter how local, which contributes to the war effort.	3. Only industries affecting interstate commerce.
4. Labor unions in any of the foregoing industries.	4. Labor unions in any of the foregoing industries.
Procedures	**Procedures**
1. Receives and investigates complaints, and conducts hearings, without judicial review.	1. Receives and investigates complaints, and conducts hearings, subject to judicial review.
2. Urges compliance where discrimination is found to exist.	2. Issues cease and desist orders where discrimination is found to exist.
Enforcement Powers	**Enforcement Powers**
1. None within the FEPC itself.	1. None as other similar Federal agencies.
2. Compliance is not enforceable through the courts.	2. Orders are enforceable through the courts and subject to judicial review.
3. Referral to President for enforcement of compliance, should he desire, through use of his special powers as wartime commander-in-chief.	3. Government contracts may be withheld from violators.
Supervision	**Supervision**
Responsible to the President	1. Responsible to Congress through: a-Senate confirmation of Commission members required. b-Rules and regulations promulgated must be submitted for congressional consideration before becoming effective.
	2. Responsible to the courts through judicial review of proceedings.

underscoring indicates where proposed FEPC differs substantially from present FEPC

MC-FEPC
Saf

PRELIMINARY ANALYSIS OF TAFT BILL, S.459, AS CONTRASTED WITH BI-PARTISAN BILL, S.101

Prepared by
NATIONAL COUNCIL FOR A PERMANENT FEPC, WASH. D.C.
February 9, 1945

1. Purpose - The Taft Bill does not make discrimination in employment unlawful, as does S.101.

2. Scope - Employers and unions are both covered, as in S.101.

3. Coverage - Grounds of discrimination listed in the Taft Bill are limited to race, creed or color. Discrimination on grounds of national origin or ancestry is not included, as in S.101. This bars coverage to 1,000,000 Americans of Mexican or Hispanic origin, and the millions of other Americans of foreign ancestry or origin.

4. Procedure - Makes studies of discrimination. Investigates complaints or initiates investigations where discrimination is believed to exist. Conducts hearings. Makes recommendations.

Where Federal Government employment is concerned, only an investigation is authorized and the new Commission empowered subsequently to recommend to Congress a plan or legislation to eliminate discrimination as defined in the Act where found to exist. (Remedial powers of cases handled by the present FEPC involve Federal employment.)

5. Enforcement Powers -

a. The Taft Bill: S. 459 has no enforcement powers. All the new Commission can do is to recommend plans for elimination of discrimination found to exist, and to offer technical assistance in carrying out such plans as employers or unions may voluntarily accept. It must rely exclusively upon the good will and cooperation of those whose discriminatory practices it is supposed to have investigated.

b. The present FEPC: This has no enforcement powers, but it does have recourse to certification to the President and reliance on his special wartime powers.

c. S.101: The bi-partisan bill gives the new Commission the right to issue cease and desist orders, enforceable in the courts. (Where Federal Government employment is concerned, the new Commission has the right of referral to the President for enforcement. S.101 also provides for dismissal from the Federal service of officials found guilty of willful violation of the Act.)

6. Contracts - The Taft Bill does not require that contracts entered into by the Federal Government contain a clause forbidding discrimination, as does S.101.

re-FEPC
Ind

THE FEDERAL PERMANENT FEPC BILL
A Digest-Analysis (S.101 - H. R. 2232)

National Council for a Permanent FEPC
930 F Street, N. W.
Washington 4, D. C.
November 1945

The Permanent FEPC will have but one function--to eliminate unfair employment practices based on discrimination on grounds of race, color, creed, national origin, or ancestry.

Management continues free to set its own hiring, training and upgrading practices, to adjust its internal plant policy, and to discharge according to any standard it may adopt, so long as there is no arbitrary discrimination because of race, color, creed, national origin, or ancestry.

In the same way, organized labor continues free to manage its internal affairs according to its own lights, except that it cannot deny any of the advantages or opportunities of union organization and collective bargaining to any person because of race, color, creed, national origin, or ancestry.

SCOPE OF THE BILL

1. All Agencies of the Federal Government.
2. Employers of six or more persons whose operations affect interstate or foreign commerce.
3. Contractors or subcontractors performing services for the Federal Government.
4. Labor unions whose practices affect interstate or foreign commerce. (In S. 101 unions of Federal employees are included.)

PROCEDURES OF THE FEPC

1. Receives and investigates complaints.
2. Endeavors to adjust complaints by informal and voluntary methods.
3. Where informal settlement is not possible, conducts open hearings in which parties charged have right to employ attorneys.
4. Following hearings, if discrimination is proved and violator refuses to comply with the law, FEPC issues findings and order to desist.
5. Administrative procedures are similar to those of ICC, FTC, SEC, FPC, FCC, and other agencies of the Federal Government.

ENFORCEMENT POWERS

1. If a cease and desist order (issued after hearings) is defied, FEPC can only petition a Federal Court to back up its order. The Court, after review of the case, may issue a court decree ordering compliance with the FEPC order. Violation of a court decree is punishable, by the Court, as a "contempt of court."
2. Federal Government contracts may be withheld by violators of the law.
3. Willful interference with FEPC agents (deliberate obstruction of its efforts to interpret and effectuate the law) is punishable.
4. When an agency or official of the Federal Government violates the law, referral is to the President for enforcement, and he may discharge any willful violator.

JUDICIAL REVIEW

1. No cease and desist order of FEPC can be enforced except through a Federal Court, after judicial review.
2. Any employer or union dissatisfied by an FEPC order may appeal to the Court.
3. The Court will review all questions of law. On questions of fact, the findings of the FEPC will have to be supported by substantial evidence. This is the customary procedure for judicial review of administrative agencies, approved in the past by the Supreme Court.

SUPERVISION AND CHECKMATES

1. Members of the five-man Commission will be named by the President, to serve five-year terms, but must be approved by the Senate.
2. Regulations of the FEPC are subject to automatic review of the Congress, and may be amended or cancelled by the Congress.
3. Congress automatically reviews the operations of all Federal Agencies when acting upon their annual requests for appropriations.
4. Congress may at any time investigate the conduct of a Federal Agency.
5. Judicial review (see foregoing).

* * * * *

REPORT ON PROPOSED AMENDMENTS TO PENDING FEPC LEGISLATION

1. While H. R. 2232 and S. 101 are substantially alike in principal provisions, the House bill represents a somewhat preferable organization of material and statement of powers and duties of the Commission. If, therefore, S. 101 must be amended, it is recommended that the form H.R. 2232 be the basis of amendment rather than the form of S. 101. This report will use H.R. 2232 as the basic document for discussion.

2. Several of the amendments proposed seem not substantially to weaken the bill, yet meet certain objections made by those who express themselves as friendly to legislation. The following are of that type and are recommended:

(a) In Section 4 (Sec. 2 of Senate Bill) Senator Capehart recommends striking out the last clause expressly stating that a state may not abridge the right to work. A state has no authority to abridge a constitutional right whether the bill says so or not. Hence there is no harm in omitting this clause and this change may mollify some who are disturbed by the cry of states' rights.

(b) Several suggestions have been made with reference to increasing the number of persons employed in a business or belonging to a union before the Act is applicable beyond the number of six (6) in the present bill. Suggestions have gone as high as fifty (50). It is recommended that an increase from six (6) to twenty-five (25) be agreed upon.

(c) Senator Saltonstall has proposed the amendment of Section 7 (b) (10 (b) of the Senate Bill) to provide for unpublicized effort at amicable agreement for removal of discriminatory practices before formal action, but reserving to the Commission the power to take formal action without delay if in its judgment this seems desirable. Since this procedure would be followed in any event this amendment seems acceptable.

(d) Various proposals have been made in regard to the present judicial review provision which now adopts the review and enforcement procedure applicable to N.L.R.B. orders. Without deciding upon any particular change, since Senators and Representatives who desire changes are not themselves agreed, it is suggested that amendments should be acceptable which protect the administrative character of original procedure before the Commission, make its findings of fact conclusive if supported by substantial evidence and provide such review

by the courts as is essential to protect parties from arbitrary and unfair action by the Commission and to assure expeditious judicial enforcement of reasonable orders based upon adequate evidence of discrimination. Agreement on specific changes consistent with this limitation must be worked out by the staff in conjunction with interested members of Congress. In this connection it is important to note that the Saltonstall proposal insofar as it provides for the hearing of new evidence in the appellate tribunal, the Morse proposal limiting the court's power to general injunctive relief restraining indulgence in unfair practices, other proposals giving the findings of the Commission no more weight than a court may choose to accord them, are so injurious to the effective administration of the act that every effort should be made to persuade the sponsors to abandon such crippling amendments.

(e) Section 13 (Sec. 14 of the Senate Bill) is the only provision of the bill imposing criminal penalties. It applies only to wilful interference with the Commission or its representatives in carrying out their duties. However, in the Senate there was much misrepresentation of this section as making unfair employment practices a crime. This could be corrected by rephrasing, to make it even clearer if possible, that the only criminal offense under the bill is violence to and other wilful resistance of officials trying to carry out the act.

3. Other proposals, if adopted, would greatly weaken the Bill. The following are mentioned as typical and it is recommended that they be opposed.

(a) Several proposals have been made the sole effect of which will be to render all closed-shop collective bargaining contracts illegal. These proposals are in direct conflict with the national policy as expressed in the N.L.R.A., and have no place in the Bill. Section 5 (b)(3 (b) of the Senate Bill) contains adequate safeguards against discrimination by labor organizations. These amendments have been introduced by Senators McClellan and Eastland who are bitter enemies of the legislation. They are hostile amendments and should be opposed.

(b) It has been proposed that the Bill be limited to citizens. In view of the policy of our Government to admit non-citizens into the country it seems unfair to deprive them of the benefits of this Bill. If an alien is undesirable,

the remedy is to exclude him under appropriate immigration laws and not to starve him by denying him the privilege of earning a livelihood.

(c) Senator Capehart has proposed the total elimination of the provision authorizing the Commission to suspend the privilege of a contractor to do business with the Government as a penalty for unfair employment practices. This provision is essential, since without it the Bill contains no method of enforcement against those contracting with the Government.

(d) The Taft Bill, which has no sanctions or enforcement provisions, and relies solely on negotiation and good will has already been analyzed by the council and exposed as a meaningless gesture. This position should be adhered to.

CLOTURE VOTE ON S.101--FEBRUARY 9, 1946
SENATE OF THE UNITED STATES

(Bill to Establish a Permanent Fair Employment Practice Committee)

(Key: Republican Senators are in solid caps, all others are Democratic Senators except LaFollette)

YEAS--48 (22 Democratic, 25 Republican, 1 Progressive)

AIKEN, G.D. (Vt.)
AUSTIN, W. R. (Vt)
BALL, J. H. (Minn)
Barkley, A. W. (Ky)
BREWSTER, O. (Mo.)
Briggs, F. P. (Mo)
BUCK, C.D. (Del)
BUTLER, H. (Nebr)
CAPEHART, H. E. (Ind)
CAPPER, A. (Kans)
Chavez, D. (N Mex)
CORDON, G. (Oreg)
Downey, S. (Calif)
FERGUSON, H. (Mich)
Green, T. F. (R I)
Guffey, J. F. (Pa)
HART, T. C. (Conn)
HICKENLOOPER, B. B. (Iowa)
Huffman, J. W. (Ohio)
Johnson, E.C. (Colo)
Kilgore, H. M. (W Va)
KNOWLAND, W. F. (Calif)
LaFollette, R. M., Jr. (Progressive, Wis)
LANGER, W. (N. Dak)
Lucas, S. W. (Ill)
McMahon, B. (Conn)
Magnuson, W. G. (Wash)
Mead, J. M. (N Y)
Mitchell, H. B. (Wash)
MORSE, W. (Oreg)
Murdock, A. (Utah)
Murray, J. E. (Mont)
Myers, F. J. (Pa)
REED, C.M. (Kans)
REVERCOMB, C. (W.Va)
SALTONSTALL, L. (Mass)
SHIPSTEAD, H. (Minn)
SMITH, H. A. (N J)
TAFT, R. A. (Ohio)
Tayler, G. H. (Idaho)
Thomas, E. (Okla)
Thomas, E. D. (Utah)
TOBEY, C. W. (N H)
Tunnell, J. M. (Del)
Walsh, D. I. (Mass)
WHERRY, K. S. (Nebr)
WILLIS, R. E. (Ind)
WILSON, G. A. (Iowa)

NAYS--36 (28 Democratic, 8 Republican)

Andrews, C. O. (Fla)
Bailey, J. W. (N C)
Bankhead, J. H. (Ala)
Bilbo, T. G. (Miss)
BRIDGES, S. (N H)
BUSHFIELD, H. J. (S D)
Byrd, H. F. (Va)
Carville, E. P. (Nev)
Eastland, J. O. (Miss)
Ellender, A. J. (La)
Fulbright, J. W. (Ark)
George, W. F. (Ga)
Gerry, P. G. (R I)
GURNEY, C. (S D)
Hatch, C.A. (N Mex)
HAWKES, A. W. (N J)
Hayden, C. (Ariz)
Hill, L. (Ala)
Hoey, C. R. (N C)
Johnston, O. D. (S C)
McCarran, P. (Nev)
McClellan, J. L. (Ark)
McFarland, E. W. (Ariz)
McKellar, K. (Tenn)
Maybank, B. R. (S C)
MILLIKIN, E.D. (Colo)
MOORE, E.H. (Okla)
O'Daniel, J. L. (Texas)
Overton, J. H. (La)
Radcliffe, G. L. (Md)
ROBERTSON, E. V. (Wyo)
Russell, R. B. (Ga)
Stewart, T. (Tenn)
Tydings, M. E. (Md)
Wheeler, B. K. (Mont)
WHITE, W. H., Jr. (Me)

NOT VOTING--12

*BROOKS, C. W. (Ill)
-Connally, T. (Texas)
*DONNELL, F. C. (Mo.)
-Glass, C. (Va)
*Gossett, C. C. (Idaho)
-O'Mahoney, J. C. (Wyo)
*Pepper, C. (Fla)
*Stanfill, W. M. (Ky)
*VANDENBERG, A. H. (Mich)
*Wagner, R. F. (N Y)
-WILEY, A. (Wis)
-YOUNG, M. R. (N D)

*Committed for
-Committed against

This is the first time in Senate history that a majority cloture vote was secured on a major issue affecting minority groups.

National Council for A Permanent FEPC -- 930 F Street, N. W. Washington, D. C.

Relation to
Crime
Aversion

PRESIDENT'S EMERGENCY FUND
as provided for in
Supplemental Appropriation Act, 1951

(P.L. 843, 81st Congress, approved September 27, 1950)

"Executive Office of the President - Emergencies (National Defense)"

"For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, to provide in his discretion for emergencies affecting the national interest, security, or defense which may arise at home or abroad during the fiscal year 1951, $10,000,000: Provided, That no part of this appropriation shall be available for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law and such appropriation denied after consideration thereof by the Senate or House of Representatives or by the Committee on Appropriations of either body."

A B I L L

To prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 1. Findings and Declaration of Policy. The Congress finds that the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production and defense, and burdens, hinders, and obstructs commerce.

It is hereby declared to be the policy of the United States to eliminate such discrimination in all employment relations which fall within the jurisdiction or control of the Federal Government as hereinafter set forth.

Sec. 2. Right to Freedom from Discrimination in Employment. The right to work and to seek work without discrimination because of race, creed, color, national origin, or ancestry is declared to be a privilege, and freedom from such discrimination is declared to be an immunity, of all citizens of the United States, which shall not be abridged by any State or by any instrumentality or creature of any State.

Sec. 3. Unfair Employment Practices Defined. (a) It shall be an unfair employment practice for any employer within the scope of this Act—

(1) to refuse to hire any person because of such person's race, creed, color, national origin, or ancestry;

(2) to discharge any person from employment because of such person's race, creed, color, national origin, or ancestry;

(3) to discriminate against any person in compensation or in other terms or conditions of employment because of such person's race, creed, color, national origin, or ancestry.

(b) It shall be an unfair employment practice for any labor union within the scope of this Act--

(1) to refuse membership to any person because of such person's race, creed, color, national origin, or ancestry;

(2) to expel from membership any person because of such person's race, creed, color, national origin, or ancestry; or

(3) to discriminate against any member, employer, or employee because of such person's race, creed, color, national origin, or ancestry.

(c) It shall be an unfair employment practice for any employer or labor union within the scope of this Act, to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden by this Act or because he has filed a charge, testified, or assisted in any proceeding under this Act.

Sec. 4. Scope of Act. (a) This Act shall apply to any employer having in his employ more than five persons, who is (1) engaged in interstate or foreign commerce; (2) under contract with the United States or any agency thereof; or (3) performing work, under subcontract or otherwise, called for by a contract to which the United States or any agency thereof is a party.

(b) This Act shall apply to any labor union which has five or more members in the employ of one or more employers covered by the preceding paragraph.

(c) This Act shall apply to the employment practices of the United States and of every Territory, insular possession, agency or instrumentality thereof, except that paragraphs (e) and (f) of section 10, providing for petitions for enforcement and review, shall not apply in any case in which an order has been issued against any department or independent agency of the United States; but in any such case the Fair Employment Practice Commission established by section 5 of this Act may petition the Attorney General of the United States for the enforcement of such order, and it shall thereupon be the duty of the Attorney General to take such measures as may secure obedience to any such order. Every

official who willfully violates any such order shall be summarily discharged from the Government employ.

Sec. 5. Fair Employment Practice Commission. For the purpose of securing enforcement of the foregoing rights and preventing unfair employment practices on the part of employers and labor unions, there is hereby established a Commission to be known as the Fair Employment Practice Commission, which shall consist of a Chairman and six additional members to be appointed by the President, by and with the advice and consent of the Senate, who shall serve for a term of seven years except that the terms of the members originally appointed shall expire seriatim at intervals of one year. Any member of the Commission may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Four members of the Commission shall at all times constitute a quorum.

Sec. 6. Reports. The Commission shall at the close of each fiscal year make a report in writing to the Congress and to the President concerning the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Commission, and an account of all moneys it has disbursed, and shall make such recommendations for further legislation as may appear desirable.

Sec. 7. Salaries. Each member of the Commission shall receive a salary of $10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.

Sec. 8. Termination of Committee on Fair Employment Practice. Upon the appointment of the members of the Commission, the Committee on Fair Employment Practice, established by Executive Order No. 9346 of May 27, 1943, shall cease to exist. All employees of the said Committee shall be transferred to and become employees of the Commission. All records, papers, and property of the Committee shall pass into the possession of the Commission, and all unexpended funds and appropriations for the use and maintenance of the Committee shall be available to the Commission.

Sec. 9. Location of Offices. The Commission shall hold its sessions in the District of Columbia and at such other places as it may designate. The Commission may, by one or more of its members or by such referees, agents, or agencies as it may designate, prosecute any inquiry or conduct any hearing necessary to its functions in any part of the United States or any Territory or insular possession thereof.

Sec. 10. Prohibition of Unfair Employment Practices. (a) The Commission is empowered as herein provided to prohibit any person from engaging in any unfair employment practices within the scope of this Act.

(b) Whenever it is charged that any person has engaged in any such unfair employment practice, the Commission or any referee, agent, or agency, designated by the Commission for such purposes shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Commission or a member thereof, or before a designated referee, agent or agency at a place therein fixed not less than ten days after the serving of said complaint.

(c) The person so complained of shall have the right to file an answer to such complaint and to appear in person or otherwise, with or without counsel, and give testimony at the place and time fixed in the complaint.

(d) If upon all the testimony taken the Commission shall be of the opinion that any person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair employment practice and to take such affirmative action, including hiring or reinstatement of employees with or without back pay, as will effectuate the policies of this Act. If, upon all the testimony taken, the Commission shall be of the opinion that no person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its

findings of fact and shall issue an order dismissing the said complaint.

(e) The Commission shall have power to petition any Circuit Court of Appeals of the United States (including the United States Court of Appeals for the District of Columbia) or, if all the Circuit Courts of Appeals to which application might be made are in vacation, any District Court of the United States, within any Circuit or District, respectively, wherein the unfair employment practice in question occurred, or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court to which petition is made shall conduct further proceedings in conformity with the procedures established by law governing petitions for enforcement of the orders of the National Labor Relations Board.

(f) Any person aggrieved by a final order of the Commission granting or denying in whole or in part the relief sought may obtain a review of such order in any Circuit Court of Appeals of the United States (including the United States Court of Appeals for the District of Columbia) within any Circuit wherein the unfair employment practice in question was alleged to have occurred or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the Commission be modified or set aside. Upon such filing, the reviewing court shall conduct further proceedings in conformity with the procedures established by law governing petitions for review of the orders of the National Labor Relations Board.

Sec. 11. Investigatory Powers. (a) For the purpose of all hearings and investigations which in the opinion of the Commission are necessary and proper for the exercise of the powers vested in it by this Act, the Commission, or its

duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Commission, its member, agent, or agency conducting the hearing or investigation. Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any District Court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or

forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 12. Rules and Regulations. The Commission shall have authority from time to time to make, amend, and rescind such regulations as may be necessary to carry out the provisions of this Act. Such regulations shall be effective 60 days after transmission to the Congress unless the Congress has in the interim amended or nullified such regulations by appropriate legislation, or has adjourned within 10 days after the submission of such regulations. Such regulations shall set forth the procedure for service and amendment of complaints, for intervention in proceedings before the Commission, for rules of evidence to be applied by the Commission, for the taking of testimony and its reduction to writing, for the modification of the findings or orders prior to the filing of records in Court, for the service and return of process and fees of witnesses, and with respect to the seal of the Commission, which shall be judicially noticed, the payment of expenses of members and employees of the Commission, the qualification and disqualification of members and employees and any other matters appropriate in the execution of the provisions of this Act.

Sec. 13. Government Contracts. (a) All contracting agencies of the Government of the United States shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, or ancestry, and requiring him to include a similar provision in all subcontracts.

(b) Unless the Commission shall otherwise determine and state in its order, no contract shall be awarded by the United States or any agency thereof to any

person found by the Commission to have violated any of the provisions of this Act or to any firm, corporation, partnership, or association in which such person has a controlling interest, until three years have elapsed from the date when the Commission determines such violation to have occurred. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of such persons.

Sec. 14. Offenses and Penalties. Any person who shall willfully resist, prevent, impede or interfere with any member of the Commission or any of its referees, agents, or agencies, in the performance of duties prusuant to this Act, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

Sec. 15. Separability Clause. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of such Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Sec. 16. Definitions. (1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers. (2) The term "employer" includes any person acting in the interest of any employer, directly or indirectly. (3) The term "labor union" includes any organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning the terms or conditions of employment. (4) Unless otherwise specified, the term "Commission" means the Fair Employment Practice Commission created by section 5 of this Act. (5) The term "Committee" means the Committee on Fair Employment Practice established by Executive Order Numbered 9346 of May 27, 1943. (6) The term "commerce" means trade, traffic, commerce,

transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

Sec. 17. This Act may be cited as the Fair Employment Practices Act.

A BILL

To prohibit discrimination in employment based upon race, color, creed, national origin, or ancestry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. Findings and declaration of policy

2. Right to employment without discrimination

3. Unfair employment practices

4. Fair Employment Practice Commission

5. Governmental contracts

6. Agencies of the United States

7. Commission proceedings and judicial review

8. Investigatory powers

9. Rules and regulations

10. Interference with Commission agents

11. Definitions

12. Separability

13. Short title

FINDINGS AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the practice of denying employment opportunities to and discriminating in employment against properly qualified persons by reasons of their race, color, creed, national origin, or ancestry leads to domestic and industrial strife and unrest and forces groups permanently into sub-standard conditions of living, thus creating a drain upon the resources of the nation and a constant threat to the maintenance of industrial peace and of the standards of living necessary to the health, efficiency and well being of workers, and that the existence of such practices in industries engaged in interstate commerce or in the production of goods for commerce causes the channels and instrumentalities of commerce to be used to spread and perpetuate such conditions throughout the several states and causes diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce and thereby burdens, hinders, and obstructs commerce, prevents the fullest utilization of the people's capacities for production and the common defense of the United States and impairs the general welfare of the United States.

It is hereby declared to be the policy of the United States to eliminate such discrimination in all employment relations which fall under the jurisdiction or control of the Federal government through the exercise by Congress of its powers to regulate commerce between the states and of other appropriate powers.

RIGHT TO EMPLOYMENT WITHOUT DISCRIMINATION

SECTION 2. It shall be the right of any person in the United States to secure and maintain employment without discrimination with respect to hire, tenure, terms and conditions of such employment because of race, creed, color, national origin, or ancestry, and such right shall not be abridged by any state or by an instrumentality of any state.

UNFAIR EMPLOYMENT PRACTICES

SECTION 3. (a) It shall be an unfair employment practice for any person or agency of the United States within the scope of this Act to discriminate, or compel or attempt to compel discrimination, against any employee or applicant for employment in regard to his hire, tenure, or any term, condition, or privilege of employment

(1) because of his race, color, creed, national origin, or ancestry, or

(2) because he has opposed any practices forbidden by this Act or

(3) because he has filed a charge, testified, or assisted in any manner in any proceeding or investigation under this Act,

regardless of whether such discrimination is required by, or in conformity with, or under color of right accruing under, any collective labor agreement or other contract,

(b) for any person within the scope of the Act to confine or limit recruitment or hiring of employees for employment to any source that discriminates against persons because of their race, color, creed, national origin or ancestry.

FAIR EMPLOYMENT PRACTICE COMMISSION

SECTION 4. (a) There is hereby created a commission to be known as the Fair Employment Practice Commission, which shall be composed of seven members, one representing the general public, one representing employers and one representing labor, who shall be appointed by the President, by and with the advice of the Senate. The members of the Commission shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The public member shall serve as chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other reason.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission.

(c) Two members of the Commission shall at all times constitute a quorum.

(d) The Commission shall, at the close of each fiscal year, make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, and the account of all monies it has disbursed, and shall make such recommendation for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of $10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation or employment.

(f) Upon appointment of the members of the Commission, the Committee on Fair Employment Practice established by Executive Order No. 9346 of May 27, 1943 shall cease to exist. All employees of the said Committee shall be transferred to and become employees of the Commission. All records, papers, and property of the Committee shall pass into the possession of the Commission, and

all unexpended funds and appropriations for the use and maintenance of the Committee shall be available to the Commission.

(g) The principal office of the Commission shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Commission may, by one or more of its members, or by such agents or agencies as it may designate, prosecute any inquiry or conduct any hearing necessary to its functions in any part of the United States.

GOVERNMENT CONTRACTS

SECTION 5. (a) Every contract to which any agency of the United States is a party for the manufacturing or furnishing of materials, supplies, articles, or equipment, or for the construction, alteration, maintenance or repair of any public building or work, in any amount exceeding $10,000, shall contain a provision requiring the contractor and its subcontractors not to discriminate against any employee or applicant for employment to be employed in the performance of such contract, because of his race, creed, color, national origin, or ancestry.

(b) Any breach or violation of the non-discrimination covenant required by subdivision (a) of this section, shall render the person responsible therefor liable to the United States for liquidated damages in addition to any other sanction provided by the contract or this Act, in the sum of ten dollars for each day in which a person employed or seeking employment in the performance of such contract is discriminated against after written protest or notice of such discrimination; the agency of the United States entering into such contract shall in addition have the right to cancel the contract and to make open-market purchases or to enter into other contracts for the completion of the original contract, charging any additional cost to the contractor. Any sum of money due the United States by reason of the violation of such non-discrimination covenant shall be withheld from any amounts due on any such contracts or may be recovered in suits brought in the name of the United States of America by the Attorney General thereof.

(c) The Commission is hereby authorized and directed to administer the provisions of this section and upon its own motion or upon the application of any person or agency aggrieved shall have the power to hold hearings uppn due notice and to make findings of fact. Such findings shall be conclusive upon all agencies of the United States.

SECTION 6. (a) The orders of the Commission shall be final, binding, and conclusive upon all agencies of the United States.

(b) A violation of any order of the Commission by any member, officer, employee, or agent of any agency of the United States shall constitute grounds for impeachment or removal from office.

Petitions to review the findings of the Commission shall be filed only in the United States Circuit Court of Appeals for the District of Columbia, which shall have exclusive jurisdiction of such proceedings. The findings of the Commission if supported by evidence shall be conclusive in such proceedings.

DEFINITIONS

SECTION 11. (a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(b) The term "employment" shall mean employment by an employer having in his employ more than seven persons, who is (1) engaged in interstate or foreign commerce or in operations affecting commerce; (2) under contract with the United States or any agency thereof; or (3) performing work, under subcontract or otherwise, called for by a contract to which the United States or any agency thereof is a party; and shall include employment by any person acting in the interest of such employer directly or indirectly.

(c) The term "agency of the United States" shall include any executive department, independent establishment, or other agency or instrumentality of the United States or of the District of Columbia or any corporation all of the stock of which is beneficially owned by the United States.

(d) The term "Commission" means the Fair Employment Practice Commission created by Section 3 of this Act.

(e) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(f) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(g) The term "United States" shall include every territory, insular possession, agency, or instrumentality thereof.

SEPARABILITY

SECTION 12. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of such Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

SHORT TITLE

SECTION 13. This Act may be cited as the "Fair Employment Practice Act."

AN ANALYSIS OF THE TAFT BILL

(a comparison of the Taft bill, S.459, with the bi-partisan bill, S. 101)

1. Purpose. The Taft bill does not make discrimination in employment unlawful, as does S. 101(which is similar to H.R. 4258.

2. Enforcement Powers. The Taft bill has no enforcement provision. All the new Commission can do is to recommend plans for elimination of discrimination found to exist, and to offer technical assistance in carrying out such plans as employers or unions may voluntarily accept. It must rely exclusively upon the good will and cooperation of those whose discriminatory practices it is supposed to have investigated. Although the present FEPC has no enforcement powers either, it has had in its favor an acute manpower shortage; it has been backed by the Executive Order requiring the insertion of non-discrimination clauses in government war contracts, and it does have recourse to certification to the President and reliance upon his special powers.

The bi-partisan bill gives the new Commission authority to enforce the law through the usual court processes. Management is left free to set its hiring, training, and upgrading practices, to adjust its internal plant policy, and to discharge according to any standard it may adopt, so long as there is no arbitrary discrimination because of race, creed, color, national origin, or ancestry. In the same way, organized labor is free to manage its internal affairs according to its own lights, except that it cannot deny any of the advantages or opportunities of union organization or collective bargaining to any person because of race, creed, color, national origin, or ancestry. All findings are subject to judicial review.

3. Coverage. Grounds of discrimination listed in the Taft bill are limited to "race, creed or color." Discrimination on grounds of national origin or ancestry is not included, as in S. 101. This denies coverage to 3,000,000 Americans of Mexican or Hispanic origin, and to the millions of other Americans of foreign ancestry.

4. Federal Government Employment. The Taft bill authorizes the Commission to investigate discrimination in Federal employment (although 25 percent of cases handled by the present FEPC involve such employment) and subsequently to recommend to Congress a plan or legislation to eliminate such discrimination. Thus, instead of having the Federal Government set an example, it appears to set higher standards for private industry than for government. The bi-partisan bill authorizes the Commission to refer such cases to the President where necessary. It also provides for dismissal from the federal service of officials found guilty of willful violation of the Act.

5. Contracts. The Taft bill does not require that contracts entered into by the Federal Government contain a clause forbidding discrimination, as does the bi-partisan bill. It thus deprives the Government of a most effective means of implementing national policy and preventing discrimination.

6. Protection and Redress. The Taft bill does not provide protection from reprisals against an employee who has charged discrimination, as does the bi-partisan bill. It does not provide for relief to those found to have been discriminated against, such as hiring, back pay, reinstatement, as does the bi-partisan bill. It does not provide for a blacklist of contractors who violate the law, as does the bi-partisan bill.

A BILL

To establish a Fair Employment Practice Commission and to aid in eliminating discrimination in employment because of race, creed, color, national origin, or ancestry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Fair Employment Practice Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares --

(a) That the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of race, creed, color, national origin or ancestry is contrary to the principles of freedom and equality of opportunity upon which this Nation is built, is incompatible with the provisions of the Constitution, forces large segments of the popu-

[redacted] obstructing the free flow of commerce and the free flow of goods in commerce through strikes and other forms of industrial unrest or through concerted activities which result in preventing or obstructing the free flow of commerce.

(b) It is the policy of the United States to encourage practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other conditions of employment, to protect the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, to negotiate the terms and conditions of their employment, and to provide for the operation of such special procedures as may be necessary to facilitate and encourage the amicable settlement of disputes between employers and employees or between employers and labor organizations, in order to promote the full flow of commerce, to prevent or minimize obstructions to commerce including those caused by labor disputes, and to remove certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other conditions of employment, and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

(c) It is the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise of workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

(d) It is the policy of the United States to prevent or eliminate discrimination because of race, creed, color, national origin, or ancestry in all employment relations which fall within the jurisdiction or control of the Federal Government.

DEFINITIONS

Sec. 2. As used in this Act—

(a) The term "person" means an individual, partnership, association, corporation, legal representative, trustee, trustee in bankruptcy, receiver, or any organized group of persons and includes any agency or instrumentality of the United States or of any Territory or possession thereof.

(b) The term "employer" means a person having in his employ fifty or more individuals, or any other person acting in the interest of such an employer, directly or indirectly.

(c) The term "labor union" means any organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers, as above defined, concerning grievances, or terms or conditions of employment.

(d) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States or between any State or Territory, or the District of Columbia, and any place outside

thereof; or within the District of Columbia or any Territory; or between points in the same State but through any point outside thereof.

(c) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(f) The term "Commission" means the Fair Employment Practice Commission created by section 5.

EMPLOYMENT

Sec. 4. The right to work and to seek work without discrimination because of race, creed, color, national origin or ancestry is declared to be an immunity of all citizens of the United States, which shall not be abridged by any State or by an instrumentality or creature of the United States or of any State.

UNFAIR EMPLOYMENT PRACTICES DEFINED

Sec. 5 (a). It shall be an unfair employment practice for the purposes of this Act for any employer

(1) to refuse to hire any individual because of such individual's race, creed, color, national origin, or ancestry;

(2) to discharge any individual from employment because of such individual's race, creed, color, or national origin, or ancestry;

(3) to discriminate against any individual in the matter of compensation with respect to, or in other terms or conditions of, employment because of such individual's race, creed, color, national origin, or ancestry; or

(4) to confine or limit recruitment or hiring of individuals

for employment to any employment agency, placement service, training school or center, labor union or organization, or any other source that discriminates against individuals because of their race, color, creed, national origin, or ancestry.

(b) It shall be an unfair employment practice for the purposes of this Act for any labor union--

(1) to deny full membership rights and privileges to any individual because of such individual's race, creed, color, national origin, or ancestry;

(2) to expel from membership any individual because of such individual's race, creed, color, national origin, or ancestry, or

(3) to discriminate against any member, employer, employee, or individual seeking employment, because [redacted] color, national origin, or ancestry.

(c) It shall be unfair employment practice for the purposes of this Act for any employer or labor union to discharge, expel, or otherwise discriminate against any person because such person has opposed any practice which constitutes an unfair employment practice under this Act or has filed a charge, testified, or assisted in any proceeding under this Act.

FAIR EMPLOYMENT PRACTICE COMMISSION

Sec. 6. (a) There is hereby created a commission to be known as the Fair Employment Practice Commission (hereinafter referred to as the "Commission"), which shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, but their successors

shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members of the Commission shall at all times constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) Each member of the Commission shall receive a salary at the rate of $10,000 a year, and shall not engage in any other business, vocation, or employment.

(e) When three members of the Commission have qualified and taken office, the Committee on Fair Employment Practice established by Executive Order Numbered 9346 of May 27, 1943, shall cease to exist. All employees of the said Committee shall then be transferred to and become employees of the Commission, and all records, papers, and property of the Committee shall then pass into the possession of the Commission.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may,

by one or more of its members or by such agents or agencies as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States.

(g) The Commission shall have power--

(1) to appoint such officers and employees as it deems necessary to assist it in the performance of its functions;

(2) to cooperate with or utilize regional, State, local, and other agencies and to utilize voluntary and uncompensated services;

(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents or agencies the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) to issue, from time to time, such regulations as it deems necessary to regulate its own procedure and the appearance of persons before it, and to amend or rescind, from time to time, any such regulation whenever it deems such amendment or rescission necessary to carry out the provisions of this Act;

(5) to serve process or other papers of the Commission, at any place in the United States or any territory or possession thereof, either personally, by registered mail, or by leaving a copy at the principal office or place of business of the person to be served; and

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make

the results of such studies available to interested Government and nongovernmental agencies.

DUTIES OF THE COMMISSION

Sec. 7. (a) It shall be the duty of the Commission to bring about the removal of discrimination in regard to hire, or tenure, terms, or conditions of employment, or union membership, because of race, creed, color, national origin, or ancestry--

(1) by making comprehensive studies of such discrimination in different metropolitan districts and sections of the country and of the effect of such discrimination, and of the best methods of eliminating it;

(2) by formulating, in cooperation with other interested public and private agencies, comprehensive plans for the elimination of such discrimination, as rapidly as possible, in regions or areas where such discrimination is prevalent;

(3) by publishing and disseminating reports and other information relating to such discrimination and to ways and means for eliminating it;

(4) by conferring, cooperating with, and furnishing technical assistance to employers, labor unions, and other private and public agencies in formulating and carrying policies and programs for the elimination of such discrimination;

(5) by receiving and investigating complaints charging any such discrimination and by investigating other cases where it has reason to believe that any such discrimination is practiced; and

(6) by making specific and detailed recommendations to the interested parties in any such case as to ways and means for the

elimination of any such discrimination.

(b) The Commission shall at the close of each fiscal year report to the Congress and to the President describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The Commission may make such other recommendations to the President or any Federal agency as it deems necessary or appropriate to effectuate the purposes and policies of this Act.

INVESTIGATORY POWERS

Sec. 8. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this Act, the Commission, or its authorized agents or agencies, shall at all reasonable times have the right to examine or copy any evidence of any person relating to any such investigation, proceeding, or hearing.

(b) Any member of the Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, agent, or agency conducting such investigation, proceeding, or hearing.

(c) Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths, examine witnesses, receive evidence, and conduct in-

vestigations, proceedings, or hearings.

(d) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any territory or possession thereof, at any designated place of hearing.

(e) In case of contumacy or refusal to obey a subpena issued to any person under this Act, any district court of the United States or the United States courts of any territory or possession or the District Court of the United States for the District of Columbia, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing; any failure to obey such order of the court may be punished by it as a contempt thereof.

(f) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punish-

ment for perjury committed in so testifying.

DISCRIMINATION IN EMPLOYMENT BY THE FEDERAL GOVERNMENT

Sec. 9. The Commission shall make a study and investigation of discrimination in regard to hire, or tenure, terms, or conditions of employment, in the departments and agencies of the Federal Government because of race, creed, color, national origin, or ancestry, and shall recommend to the Congress a specific plan to eliminate it and such legislation as it deems necessary to eliminate it.

INCLUSION OF ANTIDISCRIMINATION CLAUSE IN GOVERNMENT CONTRACTS

Sec. 10. (a) Every contract to which the United States, or any Territory or possession thereof, or any agency or instrumentality of any of the foregoing, is a party (except such classes of contracts as the Commission may by regulation issue under section 10 exempt from the scope of this section) shall contain a provision under which—

(1) the contractor agrees during the period required for the performance of the contract he will not engage in any unfair employment practices; and

(2) the contractor agrees that he will include a provision in each subcontract made by him for the performance of any work required for the performance of his contract a provision under which the subcontractor agrees—

(A) that during the period required for the performance of the subcontract, the subcontractor will not engage in any unfair employment practices; and

(2) that the subcontractor will include in such subcontract made by him provisions corresponding to those required in subparagraph (A) and this subparagraph.

(b) Where the Commission shall otherwise direct, no contract shall be made by the United States, or any territory or possession thereof, or any agency or instrumentality of any of the foregoing, with any person found pursuant to this Act to have engaged in any unfair employment practice, or with any corporation, partnership, association, or other organization, in which such person owns a controlling interest, for a period (to be fixed by the Commission) not to exceed one year from the date on which such practice was so found to have been engaged in. The Commission may, by subsequent order, for good cause shown reduce any period so fixed.

The Comptroller General of the United States shall distribute to all agencies and instrumentalities of the United States, and to the appropriate officials in the Territories and possessions of the United States, lists containing the names of such persons, corporations, partnerships, associations, and organizations.

ENFORCEMENT

SEC. 11. (a) Whenever the Commission after notice and hearing finds that there is discrimination in employment and job conditions against any particular group of workers by any employer or union because of race, creed, color, national origin, or ancestry, it shall present first by conciliation to attempt to eliminate such discrimination. If conciliation fails, the Commission shall make a compre-

1 hensive study of the employment policies and practices of such
2 employer or union and prepare a tentative plan which will increase the
3 employment and improve the working conditions of the workers of said
4 group so that the discriminations found to exist can be eliminated.
5 The Commission shall publicly promulgate the tentative plan, sending
6 a copy to each party to the record, and set a time & place for hear-
7 ing objections to the tentative plan. At the hearing any person inter-
8 ested or affected by the tentative plan may present objections and counter
9 proposals, and offer evidence bearing upon same. After the close of the
10 hearings the Commission shall reconsider the tentative plan, and approve,
11 modify or abandon the same.
12 (b) The Commission shall thereupon publicly promulgate said plan,
13 and send copies to every person directly affected thereby. It shall be
14 the duty of all persons affected thereby to put the plan into effect.
15 (c) If after six months the Commission finds that the plan has
16 not been carried into effect and that discrimination in employment by the
17 employer or union against any group of workers because of race, creed,
18 color, national origin or ancestry still continues the Commission may issue
19 an order to the employer and/or the union requiring him or it to cease and
20 desist from such discrimination by increasing the employment or changing
21 the conditions of employment of the workers of such group, as provided by
22 the plan, with due allowance for the total employment permitted by the
23 condition of the business, and further, may order the union to make such
24 changes in its policies and practices so that there will be no hindrance
25 to the employment of the workers of such group because of the union con-
26 stitution, rules or regulations.
27 (d) If the cease and desist order is not promptly complied with,

the Commission may apply to the United States District Court in the District where the principal place of business of the employer is located or where the discrimination found to exist and continue occurs for the enforcement thereof by injunction and other appropriate relief. The Court shall have power to grant temporary relief or restraining order as it may deem just and proper. The Court shall have jurisdiction to consider questions of fact and law, the reasonableness of the plan and the particular provision thereof sought to be enforced, and all persons who might be affected by any order which the Court might enter shall have the right to be heard and present evidence regarding the facts of the alleged discrimination or the efficacy or reasonableness of the plan or order designed to eliminate same. The findings of the Commission as to the facts shall be conclusive unless it appears to the satisfaction of the Court that the findings of fact are not supported by competent, material and substantial evidence. The Court after hearing and submission may approve the plan and the particular order sought to be enforced, or it may otherwise modify the plan or order so as to establish a reasonable method of eliminating any discrimination by the employer or the union which the Court may find to exist still against any group of workers because of race, creed, color, national origin or ancestry.

Sec. 12. Any person aggrieved by the failure of the employer or union to obey the cease and desist order issued by the Commission may file written request to the Commission to apply to the United States District Court for enforcement of its order as provided in Section 11. If the Commission does not make application to the Court within thirty days after receipt of the request and if the cease and desist order has not at that time been complied with, the person aggrieved may apply to any United States District

Court having jurisdiction as provided in Section 11, joining the Commission and the employer or union against them the order is directed, to compel the Commission to seek enforcement of its order. If the Court finds that the Commission has unreasonably failed or delayed in seeking enforcement of its order it shall proceed with the case as if it had originally been brought by the Commission with costs taxed against the Commission.

Sec. 13. In case the Commission shall find after notice and hearing that discrimination exists in employment or conditions of employment, in the service of the Federal Government or any territory or dependency thereof, against any group of workers because of race, creed, color, national origin or ancestry, it shall proceed first by conciliation to attempt to eliminate such discrimination. If conciliation fails the Commission shall refer the matter to the President or to Congress for appropriate action.

SEPARABILITY CLAUSE

Sec. 14. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of such Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

WILLFUL INTERFERENCE WITH COMMISSION AGENTS

Sec. 15. Any person who shall willfully resist, impede, or interfere with, any member of the Commission or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

NC-FEPL

File FEPC

DIGEST OF ILLINOIS FEPC LEGISLATION
HOUSE BILL 353 - SENATE BILL 254*
Issued by the Chicago Council Against Racial and Religious Discrimination

PURPOSE: To prohibit discrimination in employment because of race, religion, color or national origin; to make equal opportunity to seek employment a civil right; and to establish a Board of Fair Employment Practice with power to protect that right.

COVERAGE: The act applies to all labor unions and to all employers of six or more persons except non-profit charitable, educational or religious associations or corporations.

DISCRIMINATORY PRACTICES:

1. For an employer to discriminate against otherwise qualified persons because of race, religion, color or national origin in regard to hiring, upgrading, training, tenure, wages or dismissal.
2. For a labor union to deny membership, to establish auxiliary unions, or to discriminate in the referral of members to jobs because of race, religion, color or national origin.
3. For an employer or employment agency to include discriminatory specifications in any advertisement for employees, or as a prerequisite for employment to inquire into the race, religion, color or national origin of any applicant for employment.

BOARD OF FAIR EMPLOYMENT PRACTICE: A paid board of five members, no more than three of whom shall be of the same political party, to be appointed by the Governor with the advice and consent of the Senate. All employees of the Board are to be selected on the basis of competitive civil service examinations.

PROCEDURES AND POWERS OF THE BOARD: Whenever discrimination is charged, the Board shall file a notice of the complaint with the employer or labor organization involved and the latter, in turn, shall have the right to file an answer to the complaint. The Board shall first attempt to eliminate the discrimination through private conference, conciliation and persuasion. Should this approach be unsuccessful, the Board shall have the right to conduct hearings, subpoena witnesses and examine records. If the testimony presented indicates that the complaint is not valid, the complaint shall be dismissed. If, on the other hand, the evidence indicates that discrimination has been practiced, the Board shall issue a cease and desist order and may order reinstatement with or without back pay of the person discriminated against.

JUDICIAL REVIEW: The Board shall have the power to petition the Circuit court for enforcement of its orders and any employer or labor organization shall have an equal right to petition the court to have the Board's order modified or set aside. The judgment of the Circuit Court shall be subject to review by the Supreme Court on appeal by either party.

EDUCATIONAL PROGRAM: The Board is authorized to formulate a comprehensive educational program "calculated to instil into the minds of the pupils of the public schools and colleges of this State, and all other residents of this state, the purpose and meaning of this Act and the importance of establishing and maintaining a truly democratic form of government free from discrimination against any citizen because of race, religion, color or national origin.

PUNITIVE PROVISIONS: Wilful interference with the operations of the Board is considered a misdemeanor subject to a fine of not more than $500.00, or by imprisonment for one year, or by both.

APPROPRIATTONS: The sum of $250,000 (for the bi-ennium) is appropriated for administrative expenses.

*These bills are substantially similar to the recently enacted Ives-Quinn bill in New York State and to Illinois Senate bill No. 156 which has since been withdrawn.

SUMMARY OF THE SCOPE, POWERS AND LIMITATIONS

of the

BILL FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION
(Senate, S. 2048; House, HR. 3986-4004-4005)
AS COMPARED WITH THE PRESENT FEPC

The proposed FEPC, like the present FEPC, is intended to eliminate certain unfair employment practices. Management is left free to set its hiring, training and upgrading practices, to adjust its internal plant policy, and to discharge according to any standard it may adopt, so long as there is no arbitrary discrimination because of race, creed, color, national origin, or ancestry. In the same way, organized labor is left free to manage its internal affairs according to its own lights, except that it cannot deny any of the advantages or opportunities of union organization and collective bargaining to any person because of race, creed, color, national origin, or ancestry. (Underscoring indicates where proposed FEPC differs substantially from present FEPC.)

THE PRESENT FEPC	THE PROPOSED FEPC
Duration	**Duration**
June 30, 1945.	As long as needed.
Scope	**Scope**
1. All Federal agencies. 2. Contractors performing services for U.S. Government. 3. Any industry, no matter how local, which contributes to the war effort.* 4. Labor unions in any of the foregoing industries.	1. All Federal agencies. 2. Contractors performing services for U. S. Government. 3. Only industries affecting interstate commerce. 4. Labor unions in any of the foregoing industries.
Procedures	**Procedures**
1. Receives and investigates complaints, and conducts hearings, without judicial review. 2. Urges compliance where discrimination is found to exist.	1. Receives and investigates complaints, and conducts hearings, subject to judicial review. 2. Issues cease and desist orders where discrimination is found to exist.
Enforcement Powers	**Enforcement Powers**
1. None within the FEPC itself. 2. Compliance is not enforceable through the courts. 3. Referral to President for enforcement of compliance, should he desire, through use of his special powers as wartime Commander-in-Chief.	1. Same as other similar Federal agencies. 2. Orders are enforceable through the courts and subject to judicial review. 3. Government contracts may be withheld from violators.
Supervision	**Supervision**
Responsible to the President.	A. Responsible to Congress through: 1. Senate confirmation of Commission members required. 2. Rules and regulations promulgated must be submitted for congressional consideration before becoming effective. B. Responsible to the courts through judicial review of proceedings.

*Many major industries are preparing to reconvert to peacetime production within the next few months. Although the present FEPC would still be in operation, it could have no interest in their employment practices because it lacks jurisdiction in industries not concerned with war production.

NATIONAL COUNCIL FOR A PERMANENT FEPC
1410 H St., N.W., Washington 5, D. C.
October 1944

PROPOSED BILL

FUNCTION AND DUTIES OF THE COMMITTEE ON FAIR EMPLOYMENT PRACTICE

Section 1. (a) The Committee on Fair Employment Practice (hereinafter called the "Committee"), established by Executive order Numbered 9346, dated May 27th, 1943, in addition to all powers conferred on it by the said Executive order, shall have the following powers and duties:

(1) To prevent any employer or labor organization from committing any unlawful discrimination in employment;

(2) To make, amend and rescind rules and regulations to prevent unlawful discrimination in employment and to govern the filing, serving, answering and trying of complaints of such unlawful discrimination of employment;

(3) To publically hear, try and determine such complaints;

(4) To require at the hearing or trial of such complaints the attendance and testimony of witnesses and the production of such papers, documents and records as may be material to such complaints, and, at the instance of any of its members or agents or of any party to such complaints, to issue subpoenas requiring such attendance or production;

(5) To conduct its hearings or trials on complaints of unlawful discrimination in employment by holding the same before one or more of its members or agents at any time and place designated by the Committee;

(6) To render written decisions on such complaints of unlawful discrimination in employment, and where such discrimination is found to have existed or to exist, to order the discontinuance thereof.

(b) Unlawful discrimination in employment under this Section shall be:

(1) The refusal of an employer to hire an applicant for employment or the discharge of an employee from employment because of the race, creed, color or national origin of the applicant or employee;

(2) The employment of an employee at lower wages or for longer hours of work or under worse working or living conditions than similarly engaged employees of other races, creeds, colors or national origins are employed, or at less than the employee's full skill and training because of his race, color, creed or national origin;

(3) The denial to an employee because of his race, color, creed or national origin from an increase in wages or a decrease in the hours of employment or an improvement in the working or living conditions extended to other similarly engaged employees;

(4) The refusal of a labor organization to admit an applicant to full and equal membership because of the applicant's race, creed, color or national origin; or

(5) The failure of a labor organization, when permitted or required to furnish an employer with applicants for employment, to select such applicants for employment, or to make such employment available to its members, because of their race, creed, color or national origin.

(c) An employer under this Section shall be:

(1) Any person engaged in interstate commerce;

(2) Any person buying property, goods or services from, or selling them to, or renting property to or from, or receiving or exercising any grant or license or right from, any department or agency of the Government of the United States; or

(3) Any department or agency of the Government of the United States.

(d) A labor organization under this Section shall be:

(1) Any labor organization acting as the collective bargaining agent for employees of, or having a collective bargaining agreement for its members with, any employer;

(2) Any labor organization that has submitted a labor dispute for its members to the National Labor Relations Board or the National War Labor Board; or

(3) Any labor organization that has organized or enrolled in its membership any of the employees of an employer, as defined in the preceding paragraph "c".

(e) Whenever complaint is made to the Committee that any employer or labor organization has engaged or is engaging in any such unlawful discrimination in employment, the Committee, or any member, agent or agency designated by the Committee for such purposes, shall have power to issue and cause to be served upon such employer or labor organization a complaint stating the charges in that respect, and containing a notice of hearing before the Committee or a

member or agent thereof at a place therein fixed, not less than five days after the serving of said complaint. Any such complaint may be amended by the member or agent conducting the hearing or the Committee in its discretion at any time prior to the issuance of an order based thereon. The employer or labor organization so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint and at such time and place thereafter as is fixed by the Committee or the member or agent conducting the hearing if, in its or his judgment, the hearing on said complaint should be continued or postponed. In the discretion of the member or agent conducting the hearing or the Committee, any person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

(f) The testimony taken by such member or agent or the Committee shall be reduced to writing and filed with the Committee. Thereafter, in its discretion the Committee upon notice may hear argument. If upon all the testimony taken the Committee shall be of the opinion that any employer or labor organization named in the complaint has engaged or is engaging in any such unlawful discrimination in employment, then the Committee shall state its findings of fact and shall issue and cause to be served on such employer or labor organization an order requiring such employer or labor organization to cease and desist from such unlawful discrimination in employment, and to take such affirmative action, including the employment of applicants for employment and the admission to membership of applicants for membership in labor organizations with or without back pay which the applicant has reasonably lost as a result of such unlawful discrimination in employment, as will effectuate the policies of this Act. Such order may further require such employer or labor organization to make reports from time to time showing the extent to which it has complied with the

order. If upon the testimony taken the Committee shall be of the opinion that no employer or labor organization named in the complaint has engaged or is engaging in any such unlawful discrimination in employment, then the Committee shall state its findings of fact and shall issue an order dismissing the said complaint.

(g) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Committee may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(h) The Committee shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia), or if all the circuit courts of appeals to which application may be made, are in vacation, any district court of the United States (including the Supreme Court of the District of Columbia), within any circuit or district, respectively, wherein the unlawful discrimination in employment in question occurred or wherein such employer or labor organization resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and order of the Committee. Upon such filing, the court shall cause notice thereof to be served upon such party or parties, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Committee. No objection that has not

been urged before the Committee or its member or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Committee as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Committee or its member or agent, the court may order such additional evidence to be taken before the Committee or its member or agent and to be made a part of the transcript. The Committee may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals, if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorair or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 346 and 347).

(i) Any person aggrieved by a final order of the Committee granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unlawful discrimination in employment in question was alleged to have been engaged in or wherein such person, complainant, employer or labor organization resides or transacts business, or in the Court of Appeals of the District of Columbia, by filing in such court a written petition praying that the order of the Committee be modified or set aside. A copy of such petition shall

be forthwith served upon the Committee, and thereupon the aggrieved party or person shall file in the court a transcript of the entire record in the proceeding, certified by the Committee or a member thereof including the pleading and testimony upon which the order complained of was entered and the findings and order of the Committee. Upon such filing the court shall proceed in the same manner as in the case of an application by the Committee under subsection "(h)", and shall have the same exclusive jurisdiction to grant to the Committee such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Committee; and the findings of the Committee as to the facts, if supported by evidence, shall in like manner be conclusive.

(j) The commencement of proceedings under subsection "(h)" or "(k)" of this section shall not, unless specifically ordered by the court, operate as a stay of the Committee's order.

(k) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying and enforcing as so modified or setting aside in whole or in part an order of the Committee, as provided in this Act, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity and for other purposes," approved March 23, 1932 (U.S.C., Supp. VII, title 29, secs. 101-115).

(l) Petitions filed under this Act shall be heard expiditiously, and if possible within ten days after they have been docketed.

(m) For the purpose of all hearings and investigations, which, in the opinion of the Committee, are necessary and proper for the exercise of the powers vested in it, the Committee, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any

evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the Committee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Committee, its member, agent, or agency conducting the hearing or investigation. Any member of the Committee, or any agent or agency designated by the Committee for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(n) In case of contumacy or refusal to obey a subpoena issued to any person, any District Court of the United States or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Committee shall have jurisdiction to issue to such person an order requiring such person to appear before the Committee, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(o) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Committee, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-

incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(p) Complaints, orders, and other process and papers of the Committee, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witness summoned before the Committee, its member, agent or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(q) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(r) The several departments and agencies of the Government shall furnish the Committee, upon its request, all records, papers, and information in their possession, relating to any matter before the Committee.

(s) Any person who shall willfully resist, prevent, impede, or interfere with any member of the Committee or any of its agents or agencies in the performance of duties, pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

ASA PHILIP RANDOLPH

SUBJECT FILE

FAIR EMPLOYMENT PRACTICE COMMITTEE

Report To The Nation

1945

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

ANALYSIS OF TAFT FEPC BILL, S. 459, AS COMPARED WITH BI-PARTISAN BILL, S. 101

Issued by
National Council for a Permanent FEPC
930 F St., N. W., Washington 4, D. C.
February 14, 1945

1. Purpose - The Taft Bill does not make discrimination in employment unlawful, as does S. 101 (which is the companion bill to the House Bi-Partisan Bill)

2. Enforcement Powers - The Taft Bill has no enforcement provision. All the new Commission can do is to recommend plans for elimination of discrimination found to exist, and to offer technical assistance in carrying out such plans as employers or unions may voluntarily accept. It must rely exclusively upon the good will and cooperation of those whose discriminatory practices it is supposed to have investigated.

Although the present FEPC has no enforcement powers, either, it has had in its favor an acute manpower shortage; it has been backed by the Executive Order requiring the insertion of non-discrimination clauses in government war contracts, and it does have recourse to certification to the President and reliance upon his special wartime powers. These conditions will not obtain in the postwar period.

The Bi-Partisan Bill, gives the new Commission authority to enforce the law through the usual court processes. Management is left free to set its hiring, training and upgrading practices, to adjust its internal plant policy, and to discharge according to any standard it may adopt, so long as there is no arbitrary discrimination because of race, creed, color, national origin, or ancestry. In the same way, organized labor is left free to manage its internal affairs according to its own lights, except that it cannot deny any of the advantages or opportunities of union organization and collective bargaining to any person because of race, creed, color, national origin, or ancestry. All findings are subject to judicial review.

3. Coverage - Grounds of discrimination listed in the Taft Bill are limited to "race, creed or color." Discrimination on grounds of national origin or ancestry is not included, as in S. 101. This denies coverage to 3,000,000 Americans of Mexican or Hispanic origin, and to the millions of other Americans of foreign ancestry.

4. Federal Government Employment - The Taft Bill authorizes the Commission to investigate discrimination in Federal employment (although 25 percent of cases handled by the present FEPC involve such employment) and subsequently to recommend to Congress a plan or legislation to eliminate such discrimination. Thus, instead of having the Federal Government set an example, it appears to set higher standards for private industry than for government.

The Bi-Partisan Bill authorizes the Commission to refer such cases to the President where necessary. It also provides for dismissal from the Federal service of officials found guilty of willful violation of the Act.

5. Contracts. The Taft Bill does not require that contracts entered into by the Federal Government contain a clause forbidding discrimination, as does the Bi-Partisan Bill. It thus deprives the Government of a most effective means of implementing national policy and preventing discrimination.

6. Protection and Redress. The Taft Bill does not provide protection from reprisals against an employee who has charged discrimination, as does the Bi-Partisan Bill. It does not provide for relief to those found to have been discriminated against, such as hiring, back pay, or reinstatement, as does the Bi-Partisan Bill. It does not provide for a blacklist of contractors who violate the law, as does the Bi-Partisan Bill.

REPORT TO THE NATION

National Council for a Permanent FEPC

930 F Street, N. W.
Washington 4, D. C.

VOL. II No. 4 May 23, 1945

"Let most of all grant us brotherhood, not only for this day but for all our years--a brotherhood not of words but of acts and deeds. We are all of us children of earth--grant us that simple knowledge. If our brothers are oppressed, then we are oppressed. If they hunger, we hunger. If their freedom is taken away, our freedom is not secure. Grant us a common faith that man shall know bread and peace--that he shall know justice and righteousness, freedom and security, an equal opportunity and an equal chance to do his best, not only in our lands, but throughout the world. And in that faith let us march, toward the clean world our hands can make.

Amen"

--Extract from Prayer for the United Nations as given by President Roosevelt, June 6, 1942

One of the great accomplishments of Franklin Delano Roosevelt to be recorded in history is the creation of the President's Fair Employment Practice Committee. That the beginning be made, and the hope he raised shall come to full flower is the task to which we set ourselves. The grave claims no victory when the burden so reluctantly laid down is carried forward without halting by many eager hands.

* * * * * * * * * * * *

PRESIDENT HARRY S. TRUMAN

Much concern has been expressed to this office regarding the attitude of President Truman toward the Fair Employment Practice bill (S.101 and H.R.2232). Our experiences with President Truman when he was Senator and Vice President are reassuring.

When the FEPC appropriation was before the Senate last June, Senator Truman was forthright in promising his support. When the vote was taken, after a protracted and bitter fight on the floor of the Senate, Senator Truman was absent on official business, but he had taken the precaution of "pying" his vote before he left.

That is, his supporting vote was tied with the negative vote of an opposition Senator, thus making his vote count in his absence.

After the election, a large delegation from Minnesota interviewed Vice President Truman together with Senator Joseph Ball (R., Minn.). When questioned as to his attitude on the bi-partisan bill for a permanent FEPC (S.101), Vice President Truman emphatically stated that he was for the bill. Asked by a member of the delegation if his support included the bill's enforcement powers, Vice President Truman was equally positive. He said that he believed that a bill without enforcement powers was no bill at all.

At his first press conference as President of the United States, White House correspondent Harry McAlpin queried President Truman as to his position on Permanent FEPC, Anti-Poll Tax and Anti-Lynching legislation. President Truman countered by suggesting that his record as Senator be checked. That was done carefully, and it leads us to conclude that the President agrees that equality of opportunity can and should be achieved with the help of legislation.

Nevertheless, there has been no public pronouncement of his position as President. This is without a doubt a difficult stand to take, and needs the maximum in public support.

OUR RECOMMENDATION: President Truman's decision on this legislation is vital to its passage at this time--therefore, let him know of your support! Get as many wires and letters as possible to him quickly. THIS IS IMPORTANT! Copies of resolutions from organizations and petitions are needed. These are necessary from all parts of the country, but especially and particularly from the South and Mid-West where a ruthless and unscrupulous opposition has formed.

IN THE SENATE

The five-man subcommittee (chaired by Senator Dennis Chavez) of the Senate Committee on Education and Labor has unanimously rejected Senator Taft's bill and recommended S.101 to the Full Committee. Those supporters of the measure, who deserve a note of appreciation, are, besides Senator Chavez, Senators Joseph F. Guffey (D., Pa.), James Tunnell (D., Del.), Robert M. LaFollette (Prog., Wis.) and George D. Aiken (R., Vt.).

The leadership of Senator Chavez deserves special mention. He has given and is giving unstintingly of his time, his thought and his strength to the guidance of the bill, and often under great strain. He has worked quietly and without seeking the limelight, preferring that the bill retain its bi-partisan character instead of being identified with its Senate leader, who is, after all, of one party. Although he has foregone the recognition he so richly deserves, we want to take this opportunity of letting you know of the debt we owe the distinguished Senator from New Mexico.

The full Committee on Education and Labor met last Thursday to consider the bill, but failed to come to a vote. The outnumbered opposition, confined so far as our unofficial poll indicates, to its southern members and to Senator Taft, is putting up a terrific fight, and Senators Ellender (D., La.) and Johnston (D., S.C.) are vociferously threatening a filibuster. Support is strong among the Republican members of the Committee, and Senator Taft may be alone in his opposition on that side of the Committee. The people of the State of Ohio who registered their opposition to Taft's toothless bill can take credit for the fact that his is not a fighting opposition, nor does he appear to be pushing his bill.

The Committee meets again on Wednesday, May 28th, and you may know the result

[redacted]

DEMOCRATS

[redacted]
*Olin D. Johnston, S.C.
*J. Wm. Fulbright, Ark.

*Committed favorably

REPUBLICANS

*Robert M. LaFollette, Jr., Wis. (Prog.)
Robert A. Taft, O.
*George D. Aiken, Vt.
*Joseph H. Ball, Minn.
*H. Alexander Smith, N.J.
*Wayne Morse, Ore.
Forrest C. Donnell, Mo.

Still in question

Watch the papers to see what happens Wednesday. If the vote is again postponed, write a letter of protest to the members of the Committee, and particularly if one is a Senator from your State.

SIGNIFICANCE OF THE SENATE

OUR BEST WASHINGTON POLITICAL ADVICE TELLS US THAT AN OPPORTUNITY EXISTS FOR PASSAGE OF THE BILL WITHIN THE NEXT FEW WEEKS ONLY IF THE ADMINISTRATION SUPPORTS IMMEDIATE ACTION IN THE SENATE. CONFIDENTIAL INFORMATION REVEALS THAT THE ADMINISTRATION HAS GIVEN THE GREEN LIGHT FOR A RULE IN THE HOUSE, BUT WE HAVE NO INFORMATION REGARDING THE SENATE. FROM THE VIEWPOINT OF WARTIME ENACTMENT OF THE BILL, SENATE ACTION IS THE ONLY THING THAT COUNTS. RUMORS PERSIST AROUND WASHINGTON THAT THE ADMINISTRATION INTENDS TO GIVE LEADERSHIP IN THE HOUSE ONLY, ALLOWING FEPC TO TAKE ITS CHANCES OF DEATH SIMILAR TO THE POLL TAX AND ANTI-LYNCHING BILLS IN THE SENATE. THUS, THEY WOULD HAVE AT LEAST HOUSE PASSAGE (AND NO LAW) TO POINT TO IN 1946 WHEN THE ENTIRE HOUSE COMES UP FOR RE-ELECTION. THE BEST EVIDENCE OF ADMINISTRATION GOOD FAITH WOULD BE A MOVE TO BRING THE SENATE BILL TO THE FLOOR FIRST.

THIS IS WHY THE NUMBER OF NAMES ON THE DISCHARGE PETITION HAS NO GENUINE IMPORTANCE AT THIS TIME. HOUSE PASSAGE IS GENERALLY CONCEDED--SENATE ACTION IS THE REAL TEST.

* * * * *

† Since we sent out a call for delegations to be held †
† in readiness for the filibuster, we have had wide- †
† spread response. Delegations have been organized †
† in many parts of the country, including the Deep †
† South and the Southwest. Have you an interracial, †
† interfaith group organized and ready to answer our †
† emergency call? †

THE HOUSE SITUATION

As of May 16, there were only 100 of the required signatures on the discharge petition. More and more letters and telegrams from home are essential. If a Re-

representative has already signed, thank him and urge him to ask other members to do likewise. Some Representatives are not signing on the ground that the Rules Committee is planning to vote on the rule, but the rule has not yet been granted. The fact that as many as 100 have already signed is evidence that it is not considered disadvantageous to sign a petition under the circumstances.

A vote was to have been taken in the Rules Committee on May 9, but Chairman Smith became ill and the meeting was postponed. He is rapidly recovering, however, and plans to set a date for a vote as soon as he is back on the job again.

The chances of a rule are still good, but if the vote is delayed too long, the Southerners may prevail when the vote is taken--only by petition can the bill be brought to the floor.

THE OPPOSITION MOUNTS

Master minds, backed by unlimited funds, have developed new and clever techniques for fighting the FEPC legislation--with such finesse as to actually jeopardize its chances of passage. The campaigns fall into four major categories:

FIRST is the race-baiting technique--the rather outmoded but still effective means of inciting antagonism and tension. In Illinois a vicious anti-Semitic leaflet is being distributed, calling for defeat of the Illinois State Bill on the grounds that it has been inspired by Jews who want to take away the jobs of the boys fighting overseas. The leaflet describes the bill as "an attempted LEGALIZED JEWISH CONSPIRACY to force employers to employ JEWS AND JEW REFUGEES...NOTHING MORE--NOTHING LESS."

Members of Congress, such as Representatives Rankin and Hoffman, disseminate the same poison in the chamber of the House. Mr. Rankin reviles "communistic foreign representatives of another race (who) are demanding the passage of this legislation." Mr. Hoffman infers that only the Jews are supporting FEPC and denies that Jews are discriminated against. Despite the record, which he knows very well, he maintains that neither Catholics nor Protestants are "asking the adoption of this bill".

SECOND is the businessman's technique; employed by some Chambers of Commerce that have been fighting the State FEPC's and are now aiming their guns at the Federal Bill, through their Representatives. Throughout the South, the Southern States Industrial Council is distributing inflammatory literature, calling on fellow Southerners to "reassert our rights", and calling on Southern Senators to kill the bill by filibuster.

THIRD, and perhaps the most effective, is the misrepresentation technique--the newer, more subtle approach which has succeeded in creating a good deal of misunderstanding and confusion, and may lose us support in Congress. In what is probably the cleverest congressional campaign ever waged, younger Southern Representatives who have never before been associated with the Rankin type of race-baiting and are highly thought of, have apparently been selected to wage battle on a new plane. Under the cloak of what appears to be sincere criticism of the bill, they have been unscrupulously misrepresenting its purpose and the way in which the FEPC would function, until their listeners have a graphic picture of an agre empowered to take away every human right and liberty. These speeches are reprinted (at great cost) and franked throughout the country.

Congressman O. C. Fisher of San Angelo, Texas, for example, insists that the chief problem is the Negro one, and as evidence that he is unbiased he points to the fact that there are no Negroes in his district. Then he proceeds to "interpret"

[redacted]

COUNTERACTING SUCH PROPAGANDA

Enclosed is a reprint of a series of questions and answers on the bill describing what it does and does not do. This was inserted in the Congressional Record by the Chairman of the House Labor Committee, for all Congressmen to read. Additional copies are available in this office. The same questions and answers apply to the Senate version of the bill, S.101. See that these are read as widely as possible by all supporters of the bill. Use them as a basis for forum discussions, town meetings, radio broadcasts, etc.

If we do a proper informational job now, educating the public, and conveying to our Representatives and Senators that we want nothing less than a real FEPC, as in our bill, there is little doubt it will be passed. At this point a commitment to vote for the bill is not enough--we need commitments to defend it. Even the Southern States Industrial Council admits, "It is generally conceded that perhaps the only chance to defeat this bill is through a filibuster by Southern Senators whom it reaches that bodyfs

FINANCE HAS ITS HUMAN SIDE

One of the most encouraging and interesting developments has been the amazing amount of financial support coming from Southern communities. This has been the result of local community councils organized on an interracial, interfaith basis.

First, came a check for $5,000 from New Orleans as the result of a campaign participated in by a broad cross-section of the people, Catholic and Protestant church groups, and labor unions. Then came $1,000 from Fort Worth, Texas, $1,000 from St. Louis, and $800 from Nashville.

Here's another push more. Please keep it coming!

Another development has been the increasing flow of mail from our readers, asking for information, asking how they can help...It is natural that those men who have fought and bled, side by side, with fellow soldiers of all creeds and colors are already manifesting interest in equal justice here at home as they battled for it abroad.

The volume of mail bearing small donations which range from a few postage stamps upward, requesting information, etc., has almost got beyond us. We have had to add to our staff and with this help are almost abreast of our correspondence. Employers, take note! We had about 10 applicants for this temporary, not-too-well-paid, and vastly overworked opening through an ad specifying "ability sole consideration, regardless of race, creed, or color." And this happened in stenographer-starved Washington!

MRS. HODGEMAN'S WEST COAST TOUR

On April 27, when Mrs. Hodgeman returned from a whirl of speaking engagements in the midwest, she took time out to attend an executive board meeting and then left for a tour of the West Coast. With her, on a volunteer basis, went Mrs. Ruth B. Lipper, former assistant to Wendell Willkie. This is just another in a long list of services which Mrs. Lipper has performed for this cause from its very inception.

After several strenuous weeks in San Francisco, Los Angeles, Portland, and Seattle, with stops in between, Mrs. Hodgeman will return East in time to appear on the New York Times Forum program the afternoon of May 29. Those of you who live in the Manhattan area will want to attend via your radio--WHAT'S ON YOUR MIND? Station WQXR--3:30 p.m.

LITERATURE

We have some new pieces of literature to help people in your community understand the objectives of the bill and how it works. By writing to us you may secure (please specify quantity):

1. Reprint from Congressional Record containing questions and answers on bill (referred to under section "Counteracting Such Propaganda"). (Sample enclosed)

2. Reprint from Congressional Record containing recent column by Mrs. Eleanor Roosevelt on FEPC bill entitled "What Do We Learn from the Pictures of Neal Cooper?" This was inserted in the Record by Congresswoman Helen Gahagan Douglas (D., Calif.) (Sample enclosed)

3. Reprint from Congressional Record of excellent article on FEPC by Father LaRocho which originally appeared in the magazine "AMERICA", edited by Father John LaFarge. Inserted by Senator David I. Walsh (D., Mass.)

4. Reprint of article, "Prejudice--Our Postwar Battle", from LOOK Magazine. Timely warning on the effect of prejudice in the postwar period. (Will be available shortly)

ALL OF THIS LITERATURE COSTS MONEY. PLEASE PUT IT TO USE.....FINALLY, how many letters and wires have you sent your Senators and Representatives?? KEEP THEM COMING!

ASA PHILIP RANDOLPH

SUBJECT FILE

FAIR EMPLOYMENT PRACTICE COMMITTEE

1941-42 undated

Senate

FEPC Bill

Calendar No. 1126

78TH CONGRESS
2D SESSION

S. 2048

[Report No. 1109]

IN THE SENATE OF THE UNITED STATES

JUNE 23 (legislative day, MAY 9), 1944

Mr. CHAVEZ (for himself, Mr. DOWNEY, Mr. WAGNER, Mr. MURRAY, Mr. CAPPER, and Mr. LANGER) introduced the following bill; which was read twice and referred to the Committee on Education and Labor

SEPTEMBER 20 (legislative day, SEPTEMBER 1), 1944

Reported by Mr. CHAVEZ, without amendment

A BILL

To prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production and defense, and burdens, hinders, and obstructs commerce.

It is hereby declared to be the policy of the United States to eliminate such discrimination in all employment relations which fall within the jurisdiction or control of the Federal Government as hereinafter set forth.

RIGHT TO FREEDOM FROM DISCRIMINATION IN EMPLOYMENT

SEC. 2. The right to work and to seek work without discrimination because of race, creed, color, national origin, or ancestry is declared to be an immunity, of all citizens of the United States, which shall not be abridged by any State or by an instrumentality or creature of any State.

UNFAIR EMPLOYMENT PRACTICES DEFINED

SEC. 3. (a) It shall be an unfair employment practice for any employer within the scope of this Act—

(1) to refuse to hire any person because of such person's race, creed, color, national origin, or ancestry;

(2) to discharge any person from employment because of such person's race, creed. color, national origin, or ancestry;

(3) to discriminate against any person in compensation or in other terms or conditions of employment because of such person's race, creed, color, national origin, or ancestry.

(b) It shall be an unfair employment practice for any labor union within the scope of this Act—

(1) to refuse membership to any person because

of such person's race, creed, color, national origin, or ancestry;

(2) to expel from membership any person because of such person's race, creed, color, national origin, or ancestry; or

(3) to discriminate against any member, employer, or employee because of such person's race, creed, color, national origin, or ancestry.

(c) It shall be an unfair employment practice for any employer or labor union within the scope of this Act to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden by this Act or because he has filed a charge, testified, or assisted in any proceeding under this Act.

SCOPE OF ACT

SEC. 4. (a) This Act shall apply to any employer having in his employ more than five persons, who is (1) engaged in interstate or foreign commerce; (2) under contract with the United States or any agency thereof; or (3) performing work, under subcontract or otherwise, called for by a contract to which the United States or any agency thereof is a party.

(b) This Act shall apply to any labor union which has five or more members in the employ of one or more employers covered by the preceding paragraph.

(c) This Act shall apply to the employment practices in the United States and of every Territory, insular possession, agency, or instrumentality thereof, except that paragraphs (3) and (f) of section 10, providing for petitions for enforcement and review, shall not apply in any case in which an order has been issued against any department or independent agency of the United States; but in any such case the Fair Employment Practice Commission established by section 5 of this Act may petition the Attorney General of the United States for the enforcement of such order, and it shall thereupon be the duty of the Attorney General to take such measures as may secure obedience to any such order. Every official who willfully violates any such order shall be summarily discharged from the Government employ.

FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 5. For the purpose of securing enforcement of the foregoing rights and preventing unfair employment practices on the part of employers and labor unions, there is hereby established a commission to be known as the Fair Employment Practice Commission, which shall consist of a Chairman and six additional members to be appointed by the President, by and with the advice and consent of the Senate, who shall serve for a term of seven years except that the terms of the members originally appointed shall expire seriatim at intervals of one year. Any member of the Commission may be re-

moved by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Four members of the Commission shall at all times constitute a quorum.

REPORTS

SEC. 6. The Commission shall at the close of each fiscal year make a report in writing to the Congress and to the President concerning the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Commission, and an account of all moneys it has disbursed, and shall make such recommendations for further legislation as may appear desirable.

SALARIES

SEC. 7. Each member of the Commission shall receive a salary of $10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.

TERMINATION OF COMMITTEE ON FAIR EMPLOYMENT PRACTICE

SEC. 8. Upon the appointment of the members of the Commission, the Committee on Fair Employment Practice, established by Executive Order Numbered 9346 of May 27, 1943, shall cease to exist. All employees of the said Commit-

tee shall be transferred to and become employees of the Commission. All records, papers, and property of the Committee shall pass into the possession of the Commission, and all unexpended funds and appropriations for the use and maintenance of the Committee shall be available to the Commission.

LOCATION OF OFFICES

SEC. 9. The Commission shall hold its sessions in the District of Columbia and at such other places as it may designate. The Commission may, by one or more of its members or by such referees, agents, or agencies as it may designate, prosecute any inquiry or conduct any hearing necessary to its functions in any part of the United States or any Territory or insular possession thereof.

PROHIBITION OF UNFAIR EMPLOYMENT PRACTICES

SEC. 10. (a) The Commission is empowered as herein provided to prohibit any person from engaging in any unfair employment practices within the scope of this Act.

(b) Whenever it is charged that any person has engaged in any such unfair employment practice, the Commission, or any referee, agent, or agency designated by the Commission for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Commission or a member thereof, or before a

designated referee, agent, or agency at a place therein fixed not less than ten days after the serving of said complaint.

(c) The person so complained of shall have the right to file an answer to such complaint and to appear in person or otherwise, with or without counsel, and give testimony at the place and time fixed in the complaint.

(d) If upon all the testimony taken the Commission shall be of the opinion that any person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair employment practice and to take such affirmative action, including hiring or reinstatement of employees with or without back pay, as will effectuate the policies of this Act. If, upon all the testimony taken, the Commission shall be of the opinion that no person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(e) The Commission shall have power to petition any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia) or, if all the circuit courts of appeals to which application might be made are in vacation, any district court of the

United States, within any circuit or district, respectively, wherein the unfair employment practice in question occurred, or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court to which petition is made shall conduct further proceedings in conformity with the procedures established by law governing petitions for enforcement of the orders of the National Labor Relations Board.

(f) Any person aggrieved by a final order of the Commission granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia) within any circuit wherein the unfair employment practice in question was alleged to have occurred or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the Commission be modified or set aside. Upon such filing, the reviewing court shall conduct further proceedings in conformity with the

procedures established by law governing petitions for review of the orders of the National Labor Relations Board.

INVESTIGATORY POWERS

SEC. 11. (a) For the purpose of all hearings and investigations which in the opinion of the Commission are necessary and proper for the exercise of the powers vested in it by this Act, the Commission, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Commission, its member, agent, or agency conducting the hearing or investigation. Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpena

issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce

evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

RULES AND REGULATIONS

SEC. 12. The Commission shall have authority from time to time to make, amend, and rescind such regulations as may be necessary to carry out the provisions of this Act. Such regulations shall be effective sixty days after transmission to the Congress unless the Congress has in the interim amended or nullified such regulations by appropriate legislation or has adjourned within ten days after the submission of such regulations. Such regulations shall set forth the procedure for service and amendment of complaints, for intervention in proceedings before the Commission, for rules of evidence to be applied by the Commission, for the taking of testimony and its reduction to writing, for the modification of the findings or orders prior to the filing of records in court, for the service and return of process and fees of witnesses, and with respect to the seal of the Commission, which shall be judicially noticed, the payment of expenses of members and employees of the Commission, the qualification and disqualification of members and employees and any other matters appropriate in the execution of the provisions of this Act.

GOVERNMENT CONTRACTS

SEC. 13. (a) All contracting agencies of the Government of the United States shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, or ancestry, and requiring him to include a similar provision in all subcontracts.

(b) Unless the Commission shall otherwise determine and state in its order, no contract shall be awarded by the United States or any agency thereof to any person found by the Commission to have violated any of the provisions of this Act or to any firm, corporation, partnership, or association in which such person has a controlling interest, until three years have elapsed from the date when the Commission determines such violation to have occurred. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of such persons.

OFFENSES AND PENALTIES

SEC. 14. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Commission or any of its referees, agents, or agencies, in the performance of duties pursuant to this Act, shall be punished by a fine of not

more than $5,000 or by imprisonment for not more than one year, or both.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of such Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

DEFINITIONS

SEC. 16. (1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of any employer, directly or indirectly.

(3) The term "labor union" includes any organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning the terms or conditions of employment.

(4) Unless otherwise specified, the term "Commission" means the Fair Employment Practice Commission created by section 5 of this Act.

(5) The term "Committee" means the Committee on Fair Employment Practice established by Executive Order Numbered 9346 of May 27, 1943.

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or Territory or the District of Columbia or any foreign country.

SEC. 17. This Act may be cited as the "Fair Employment Practices Act."

Ben Ofstein
Anti-segregation

Mexican Laws
Registration
Mrs. Bill May well

Ethel Tinsley

Jos Lopez
Chapman

Sallie Clark
El Paso Texas 8715

Alfonso Morales
920 Cleveland
Albuquerque

79TH CONGRESS
2d SESSION

S.

[Report No

A BI

To prohibit discrimination
cause of race, creed, c
or ancestry.

By Mr. CHAVEZ, Mr. Do
Mr. MURRAY, Mr. CAPPE

JUNE 23 (legislative d
Read twice and referred
Education an
SEPTEMBER 20 (legislative d
Reported without

Calendar No. 1126

S. 2048

[Report No. 1109]

BILL

...nation in employment be-
...ed, color, national origin,

...Mr. Downey, Mr. Wagner,
..., Capper, and Mr. Langer

...ing (this day, May 9), 1944
...referred to the Committee on
...ties and Labor

...clared (this day, September 1), 1944
...without amendment

(Not printed at Government expense)

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 78th CONGRESS, SECOND SESSION

Employment Practices in the United States as They Affect the Good-Will Policy Toward Latin America

SPEECH

OF

HON. DENNIS CHAVEZ

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Monday, June 19, 1944

Mr. CHAVEZ. Mr. President, I dislike very much to disagree with some of my colleagues. I have listened attentatively to the junior Senator from Georgia [Mr. RUSSELL] and to the junior Senator from Mississippi [Mr. EASTLAND]. I wish I could agree with them in their analyses of the pending amendment. I know that other Members of this body have views contrary to mine, but knowing them as I do, I am sure that they will accept my remarks in the spirit in which they are meant, even though they may be contrary to the views held by them.

Mr. President, the question relating to the item of $500,000 for the President's Committee on Fair Employment Practice goes further than the question of the amount of money which we are asked to appropriate. The item goes to the very fundamentals of our Government. It goes to the very origin of the creation of the Republic. It goes even to the background of the creation of the Republic. Mr. President, either we shall have a republic for all of us, or our Government will be a failure. The reason I am interested in the item having to do with the Committee on Fair Employment Practice is because I want the United States to belong to all of us, and not to a few.

Who is the American citizen, and why is he an American citizen? To what is he subject? The American citizen—and I do not mean the manufacturer only, or the so-called businessman; I mean all of us—is subject to two things. He is subject to duties and responsibilities, and he is subject to rights. Unless rights go along with duties, the functions of the Government as it was created cannot successfully be performed. The American citizen must die, if necessary, in the defense of his country. The American citizen has the duty to pay his share of the cost of Government. But the American citizen is entitled basically to all the rights accorded by the laws of his country.

So, Mr. President, in this particular instance we are merely returning to fundamentals. How was this country created and why was it created? In order to take care of business only? No. In order to take care of a few citizens only? No. It was created for all. The first step which was taken by the creators of the American Nation resulted from abuses such as the Committee on Fair Employment Practice is attempting to correct. They were abuses on the part of the mother country, and the men then living within the Thirteen Colonies decided that they were freemen and declared their independence. They framed and promulgated the Declaration of Independence. I hope to prove by that very instrument which was drafted and imbedded in the minds of the people of the continental United States long before the existence of the Committee on Fair Employment Practice why the American people revolted against England.

Mr. President, why did the people revolt? The answer to that question was stated very clearly in the Declaration of Independence. Why did we go to war against England? Why did we initiate the Constitution which made it possible for us to be here today? I will endeavor to state why.

The men who drafted the Declaration of Independence uttered the truth. I have a copy of the Declaration of Independence before me. As I proceed step by step it will be my purpose to endeavor to convince Members of the Senate that it would be in keeping with the initial steps of our Government were we favorably to act upon the item now in controversy.

Those who wrote the Declaration of Independence said:

We hold these truths to be self-evident, that all men are created equal—

Of course, that did not mean social equality. That did not mean that someone must ask me to go to his home tonight and have something to eat with him. That expression, Mr. President, meant equality of opportunity under the law and under the Constitution.

that they are endowed by their Creator—

Not by the Members of the United States Senate, Sidney Hillman, or someone else, but by the Creator—

with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

That was the first declaration of freedom, the first enunciation of freedom as we should have it today. It was the first step. We did not have a government at that time, but only some men who wanted to be free.

Following the Revolutionary War the men who fought it and their followers got together to form a government. I think I know the history of this country; I believe I know the philosophy underlying the creation of this Government, and I believe I know for what we are fighting for today. After the Declaration of Independence the men who had fought against England, who had declared themselves independent, formed a government and wrote a constitution in which I believe and which I think should be followed in every instance, whether it be for the protection of property or for the protection of the individual. In my opinion, humanity is more important than property.

Why did the founders of our country frame a constitution? The reason is set forth in the preamble to that noble instrument. I shall read the preamble. Those who wrote it did not say, "We the businessmen," or "We the members of the C. I. O.," or "We the members of the United Mine Workers," or "We the members of the Democratic Party," or "We the members of the Republican Party." No; they said:

We the people of the United States—

All of us—

in order to—

What?

in order to form a more perfect union, establish justice—

Is there anything unjust in having in these United States fair employment practices?

insure domestic tranquillity, provide for the common defense—

How can the common defense be provided for unless every citizen of the Nation is treated equally under the law and is accorded the same equality of opportunity?

promote the general welfare.

Is the general welfare promoted when Jim Jones, doing a piece of work in an industry engaged in the war effort or in everyday life, but who happens to be of a certain color—I am referring to actual work; I am not talking about social equality; I am talking about sweat and blood and suffering and the creation of wealth—is paid one wage while Tom Brown, doing the same class of work, laboring the same hours, creating the same wealth for these United States, is paid more than Jim Jones is paid? Is that one of the things for which the people of the Colonies revolted against England? Is that what they enunciated in

the Declaration of Independence? I think not, although I may be mistaken.

And secure the blessings of liberty to ourselves and our posterity—

How can liberty be assured to ourselves and our posterity if one class of people have economic liberty and all the people have political liberty, but another class of people have economic slavery? Can such a situation be reconciled with the fundamentals of the American Government? In that light, it cannot be proved to me that the item in the bill for the Fair Employment Practice Committee is not correct.

do ordain and establish this Constitution for the United States of America.

Mr. President, a few days ago the President of the United States, the Commander in Chief of the Army and Navy, sent to the Congress of the United States a message. It was dated June 12, 1944. Amongst the things that the President said at that time—and I quote from his message—were:

This Nation is appalled by the systematic persecution of helpless minority groups by the Nazis. To us—

To our country—

the unprovoked murder of innocent people simply because of race, religion, or political creed is the blackest of all possible crimes. Since the Nazis began this campaign many of our citizens in all walks of life and of all political and religious persuasions have expressed our feeling of revulsion and anger. It is a matter with respect to which there is and can be no division of opinion amongst us.

I am referring now to the message the President sent to this body with reference to people in foreign lands who have suffered under tyranny. I agree with that message. We should take note of it, and do everything possible to relieve the situation that is called to our attention by that message.

As Americans who believe in the Constitution and love our Government and want it to continue as it was created, how can we justify within our own country such practices as now prevail, although not under the law or the Constitution, when we condemn with the President those responsible for the sufferings of strangers? How can it be justified? How can we justify paying one person more than another for the same class of work because management, poor management, says that one man should receive less because of his color? Let me say, Mr. President, when the Jap goes forth to attack our men with his bayonet, seeking to cut the throat of an American soldier, he practices no racial discrimination and shows no racial favoritism whatsoever. He will kill the American boy who has a German name; he will kill the American with a Mexican name; he will kill the American Negro; he will kill the American with an Irish name; there is no racial discrimination in him when it comes to killing. But in this country, where we are supposed to be fighting for the things we love and for the freedom of mankind, we find the ugly head of racial and economic discrimination come to the fore.

Mr. President, this item in this bill, in my opinion from the standpoint of the Government itself, from the standpoint of international policy, is the most important item that has appeared in any bill or any appropriation. I know that there is opposition in certain quarters to this appropriation, and to the continuation of F. E. P. C. I believe that such opposition is based upon a misunderstanding of the fine work being done by F. E. P. C.

I assure those Senators who have a view contrary to mine that I am not interested in the personnel of the Committee. If I had had my way, I would not have had one of them on the committee, from what I know about those whose names have been read; but I am interested in the work of the committee. I did not have anything to do with the appointments; I was not consulted at all; but I favor the philosophy, the true-blue Americanism, in the functioning of the Committee.

I feel confident that I can convince my colleagues of the merits of the appropriation for the agency mentioned, and I want those who are kind enough to listen to me hear what I am about to say.

It so happens that in the field of racial discrimination, yes; racial prejudice, in our economic system, I am thoroughly familiar with the experiences of the Mexicans and Latin Americans, particularly in the southwestern section of our country. This discrimination is not confined to citizens of the Republic of Mexico or to citizens of Latin extraction from the other Latin-American countries, but it also involves citizens of the United States of several generations, persons who are descendants of Spanish colonials who arrived in New Mexico and the Southwest as far back as the sixteenth century; citizens of the United States who have ever been loyal to this country since New Mexico was annexed in 1848, and whose patriotism cannot be questioned. The War Department's records will show that they have participated with distinction in the wars of our country, and have made singular contribution to the martial record of the Republic for almost a hundred years.

Only a few years after New Mexico became a part of the United States, the War between the States began. New Mexico did its full share in that war in the interest of the Union, and many of its citizens also sided with the Confederacy. Whether for the Union or for the Confederacy, they did their duty as they understood it at that time.

They prepared the ground for and participated fully in the efforts of the Government to control what in those days were considered as savage tribes.

They participated in the war against Spain, and the muster rolls of Teddy's Rough Riders contain many a name of Spanish derivation.

Thousands of those Americans who took part in the First World War, and many who are now lying in American cemeteries in France, were of Spanish colonial extraction. In this war they are found in every branch of the various services and in every theater of operations: In India, Burma, and the Pacific, in Africa, Italy, and the beach heads of France.

I mention these things to prove that these Americans of the Spanish southwest have not asked for the right of equality of opportunity as a gift, but, as is just and proper, they have purchased this privilege with their sweat and blood.

The people of the country know of Joe Martinez at Attu. Recently in the advance on Rome, Private Aguilar, of Brownsville, Tex., walked into the American lines with 18 or 20 German prisoners.

There are Senas on missions for the Air Corps in the Pacific, and as paratroopers in the same area. There are literally hundreds of the same stock of American boys now prisoners of the Japanese in the Philippines, themselves planting the rice upon which they subsist in order that you and I, Mr. President, may continue to relish the proverbial "three squares a day."

Does anyone think that at Bataan or Corregidor, when our men were acting under the orders of General Wainwright, the Japanese made any differentiation as to whom they were about to kill, whether they were of Mexican ancestry, from New Mexico, or Irish ancestry, from Brooklyn, or the best Anglo-Saxon stock of the country, from Georgia? They did not. They killed all they could, and, as I have said, those who are still alive are planting rice at this time. There is no differentiation as to racial stock in the prison camps in the Philippine Islands.

Another virtue of these Americans of Spanish or Mexican extraction is outstanding. Never, since they became citizens of this country, have they interfered with the policies of our country in matters affecting the United States with relation to the republics of Latin America. This can scarcely be said of any other racial group within our borders. Has anyone ever seen a Spanish name in a list of saboteurs? While it is true that they have the same racial, religious, and historical background as the peoples of Latin America, they have never petitioned our Government, or otherwise insisted that this country should do certain things in matters affecting their mother country or countries of similar racial stock. How does this compare with the activities of other minority groups in this country with reference to their mother countries?

That discrimination against the American of Spanish or Mexican extraction has prevailed in the Southwest, and prevails today, is known to all. I can say that it is not as rampant today as it has been in the past. Official sanction is not being given to discrimination. But it does exist, especially in the lines of economic endeavor, and, because this is true, I want the F. E. P. C. to continue in operation.

In my opinion, the activities of the F. E. P. C. in trying to adjust cases of discrimination which come to its attention have done more to bring about actual good will in Latin America than the many millions spent by the Coordinator's Office, by lend-lease agencies, or

by the former Board of Economic Warfare combined.

I know the reaction of Latin Americans to the abuse of Latins, and no matter how many millions are spent below the Rio Grande we will not bring about good will amongst the people of those countries toward the United States unless their citizens and American citizens of the same origin are treated in keeping with the ideals and traditions which we so proudly proclaim as part and parcel of the American way of life.

We may spend millions of dollars in Mexico, but when one of their legislators is denied food in a restaurant in a southwestern country town these millions are worse than wasted. Other millions, even billions of dollars, might be spent in other Latin-American countries, but when the cadets we bring here, and who are our guests in our Air Corps camps, are denied the privilege of swimming in a public swimming pool, the millions of dollars are again worse than wasted.

It all goes back to the ancient truism that the finest and the most valuable things in life cannot be purchased with money, simply because they are not for sale. Thus, when the same Latins know that in the copper mines of the southwest Jim Brown gets $6.90 while Jose Gonzales gets $3.60 for the same class and type of work, do not count on the efficacy of the millions of dollars which are spent in an effort to buy good will.

When the Latin-American knows that citizens of Puerto Rico, whose sons in the present war number some 65,000, are denied jobs in war industry or the right to pick the citrus fruits of Florida because labor groups object, the millions of dollars which have been spent since 1941 will have been tossed to the winds of wasted effort.

The Latin-American public is keenly alert to these conditions, and their negative effect upon inter-American relations is becoming more marked every day. In Mexico, public opinion is overalert to the treatment which Mexicans receive in our country. It may surprise some Senators to learn that only recently there has been set up by the Chamber of Deputies of the Republic of Mexico, a committee for the purpose of keeping the attention of the Mexican Congress focused on discrimination against Mexicans in the United States. This sensitivity of national dignity is just as present in the other republics of Latin America, and the recognition of these circumstances by Axis agents has afforded them opportunities to stir up ill feeling on the part of Latin-Americans toward the United States.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. RUSSELL. I was interested in the Senator's statement that a certain committee had been set up in Mexico. Do I correctly understand that the committee was set up by the parliamentary body of Mexico, or was it set up by the President of Mexico?

Mr. CHAVEZ. It was set up by the parliamentary body of Mexico.

Mr. RUSSELL. That is entirely beside the question I have raised here.

Mr. CHAVEZ. The point I make is that the Fair Employment Practice Committee deals in many instances with matters affecting Mexican citizens in such a way that the little money spent by the Committee is of more help to the good-will efforts of this country than all the money we are spending through the Coordinator's office. How would we feel if matters were reversed. Suppose Mexico gave us everything she had for the war effort, but at the same time let us assume that the Senator from Georgia [Mr. RUSSELL] and I were to endeavor to go to Mexico—I am speaking of individuals now, for what is happening affects individuals—and we were told "No; we will not let the Senator from Georgia or the Senator from New Mexico come into Mexico because they are Americans." We would strongly resent such treatment. It is such minor matters that the Committee is trying to adjust, and adjustment of them is of great help in the effort which is being made toward the establishment of friendly relations between this country and Latin America.

Mr. RUSSELL. Does the Senator from New Mexico state that the Fair Employment Practice Committee is trying to adjust matters of that nature? I understood the Chairman of the Committee to contend that the Committee invaded only the field of economics and the economic relations of the various races of people.

Mr. CHAVEZ. Oh, yes; that is correct. Before I conclude I wish to call the Senator's attention to a couple of business concerns in this country in connection with which the Committee did some work. My friend the junior Senator from Mississippi spoke of the poor businessman whom he is trying to defend. That is all very well, but I want the poor businessman to do what is right also.

Let me show how far this situation extends. The Axis Powers are ever on the alert to try to take advantage of an isolated case of abuse in order to use it for their purposes. In this connection it is singularly pertinent to call the attention of the Senate to an address delivered by me in Spanish to Latin America, via short wave, on February 11, 1942. I have been donating my time throughout the war period to the Coordinator's office and have been making short-wave talks to Latin America. In this particular instance, on February 11, 1942, I made an issue of our oft-vaunted boast that the United States of America is a land in which men from every nation may find opportunities to live in peace and under justice. Scarcely were my words received by the Nazi stations than the Ministry of Propaganda of the German Reich issued a statement that the Nazis knew and know about the atmosphere of social and economic discrimination which pervades our country as a whole. They are the same facts which have been verified by our own social and governmental agencies.

But, as I stated before, the Fair Employment Practice Committee, with a very limited fund provided from the President's fund, has done outstanding work trying to correct these abuses, thereby notifying our Latin-American friends that no official sanction will be given to either discrimination or abuse of racial minorities in our economic system. By that I do not mean social equality; merely equality of opportunity economically.

Please believe me, Mr. President, when I state that this Committee is worth more to the people of the United States, to the interests of peace in the future, unless it is desired to use the big stick, to the interests of commerce between people of the different countries, than all the other agencies put together.

I call attention now to a few instances of unfair employment practices which have come to the notice of the Government. I call them particularly to the attention of the Senator from Georgia, because I am going to show how poor business concerns such as the Dutch Shell Oil Co. and the Sinclair Oil Co. are affected. I shall call attention to some of the so-called complaints that have come to my attention and the attention of the Committee and the Government inasmuch as they affect international relations.

A report dated June 3, 1944, from the President's Committee on Fair Employment Practice incorporates an extract from a communication received from the Nonferrous Metals Commission. Having to do with the wage differentials in common labor rates paid to Mexicans and Anglo-Americans for the same work performed, this report states:

So that it will be thoroughly understood that the problem of discrimination encountered in the instant case is not peculiar to the subject companies or the mining industry, it is well that we consider the problem generally. Carey McWilliams, an outstanding authority in the field, has written, "It has been pointed out, ad nauseam, that the Mexican migrant is ill-housed, ill-clothed, and ill-fed. His children are retarded in the schools and in many areas they did not even attend schools. From every point of view, Mexican migratory workers (most of whom are fairly recent immigrants) constitute a definite disadvantaged, submerged class of our society.

"They are the victims of a well organized caste system which dooms them to restricted types of employment, visits upon them a complex and comprehensive system of social discrimination, and makes for chronic maladjustment. This system, moreover, tends by its very nature to be self-perpetuating."

Reports are constantly coming to me of social and economic discrimination against Mexicans and Latin Americans, and almost every Western and Southwestern State is the stage upon which these un-American dramas are being acted. They all point to the unfair treatment of these groups through the application of discriminatory wage scales by every type of private enterprise.

We have in this city the headquarters of the Pan American Union. The Pan American Union is supported by the countries of Latin America, by the United States, and by Canada. The idea is to try to get along basically. Among the personnel of the Pan American Union is a Mexican who appeared before the House Labor Committee the other day and gave some testimony.

Ernesto Galarza, chief of the labor section of the Pan American Union, in

a statement before the House Labor Committee on June 2, 1944, observed that—

Next to Negroes, this group represents one of the largest so-called minorities in this country. It is probable that if all persons having some degree of identification with Hispanic and Indo-hispanic culture—economically, socially, linguistically—are included, the total size of this group would not be far from 2,500,000.

They are here. The majority of them are citizens of this country. They participate in the every-day life of this country. They go to war for this country. They die for this country. At election time we try to persuade them to vote for our side; but in the economic field or in Government enterprise they are set aside.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. MAYBANK. The Senator is arguing about the economic disadvantage which I regret exceedingly seems to exist among certain groups because, perhaps of race. The Senator will agree with me, will he not, that there is also an economic disadvantage to certain sections?

Mr. CHAVEZ. That is correct. That is why I wish to have a revision of freight rates in the South.

Mr. MAYBANK. Not only that; but an economic disadvantage exists in pay rates. For example, in New York the wage scale is much higher than in Charleston or Mobile.

Mr. CHAVEZ. That is correct; but that is not the point. The point is that discrimination exists because of race. A man is not placed on a certain job because he happens to be of Italian ancestry or Irish ancestry. The point I am trying to make is that if there is a job to be done, there should be no discrimination against men because of race.

Mr. MAYBANK. The Senator is making the point that there is an economic discrimination in wage scales because of race.

Mr. CHAVEZ. That is correct.

Mr. MAYBANK. Can we not also agree that there is a discrimination in wage scales as between various sections?

Mr. CHAVEZ. That is correct.

Mr. MAYBANK. There is a discrimination as between various sections in wage scales in the Government service.

Mr. CHAVEZ. Not for the same type of work. We have the Classification Act, and if a person is CAF-2, he receives CAF-2 wages.

Mr. MAYBANK. I did not mean that. The discrimination to which I refer is in Government navy yards in different sections.

Mr. CHAVEZ. There is no question about it. But if Jim Jones is a machinist, and working at the navy yard for $8 a day, why should Tom Smith, working on the next machine, doing the same class of work, be paid only $6 a day?

Mr. MAYBANK. Does not the Senator agree with me that in navy yard work, whether it be done in New England, in the South, or on the west coast, there should be an even scale of pay? In levying taxes, Congress calls upon each and every one to pay the same rate of taxation on a given income.

Mr. CHAVEZ. That is correct. The point I am trying to make is that if the boy from the Southwest, the boy from the Northwest, the boy from the Northeast, and the boy from the Southeast go together and work for $50 a month, and die on the beaches of Normandy, their brothers should be entitled to equal wages for the same class of work.

Mr. MAYBANK. Why are not men in various sections of the country entitled to the same pay? The military pay is the same in all sections. Why should individual Government pay in New England be higher than individual government pay in the Southeast, in factories? The Army pay is the same in all sections.

Mr. CHAVEZ. Whenever the Senator comes forward with a proposal to pay wages in the South as high as those paid in New England, I shall be for it.

Mr. MAYBANK. I appreciate the Senator's attitude. I do not wish to be misunderstood as drawing a comparison between New England and the South. I merely mean that in the larger navy yards in the Northeast the pay is considerably above that in my section.

Mr. CHAVEZ. That is correct.

Mr. Galarza further said:

In spite of his lowly social position, the contribution of the Mexican to the development of certain parts of this country, especially the Southwest, has been notable. Former Vice President John N. Garner recognized this fact in his testimony before a Senate committee in 1928, when he said: "The seasonal Mexicans in our territory do a kind of labor that no others are willing to do * * *. I can mention two counties down there on the border that have increased in taxing value in the past two decades from $3,000,000 to $88,000,000. That increase would not have been brought about if we had had an immigration quota to apply to Mexico."

My point is that we should do the decent thing, the American thing.

This contribution of the Mexican workers, however, has produced nothing but unfair-labor practices. It has not protected them from a type of economic discrimination which falls into four main classifications: (1) refusal of employment; (2) withholding of opportunities; (3) refusal of promotions according to seniority and ability; and (4) payment of lower wages for the same work as performed by Anglo-Americans.

During the summer of 1942, the War Department, under contract, started the construction of what is now Camp Hale, at Pando, Colo., Pando being a short distance from the city of Leadville. The Army, of necessity, wanted the camp completed as soon as possible. Hundreds, even thousands, of citizens flocked to the construction projects for the purpose of contributing their effort on behalf of the war.

Hundreds of citizens of Colorado, New Mexico, and Utah, whose ancestors were residents of those areas, obtained employment; but lo and behold, one day I received a telegram from a citizen of my State by the name of Juan Romero, at that time actually a member of the New Mexico State Legislature, but who had been working at this Army construction camp, to the effect that he and over 500 others had been dismissed at the instance of the construction colonel and Mr. Platt Rogers, the contractor—one of the poor businessmen we hear about—simply because they were supposed to be Mexicans.

They were no more Mexicans than is the Senator from New York [Mr. WAGNER] or than I am. So far as citizenship is concerned, they were no more Mexicans than are any of the Senators listening to me. They were American citizens, but they did not have English-sounding names. Their brothers could have been dying in Japan, in Burma, in Africa, in China, or elsewhere. They were dismissed at the instance of the construction colonel and Mr. Platt Rogers, the contractor, simply because they were supposed to be Mexicans.

Sometime ago the Congressional Medal of Honor was awarded to a boy from my section of the country who died at Attu. His name was Joe Martinez. The Congressional Medal of Honor is not awarded indiscriminately. A man must do something on the heroic order in order to receive such an award. That boy died at Attu. We should examine the records of the War Department. Some boys who were told to go would not go. But this so-called Mexican, from Colorado, did go. With a gun on his shoulder, he took the whole impact of the Japanese bullets. Nevertheless, his brother or his uncle or some other relative of his could not get a job in the war effort at Pando, Colo., because his name is Martinez. We give Martinez a medal for dying, but we refuse a job to his relative or to his friend. Then we complain, and we wish to cut out an appropriation, because a committee selected by the President is attempting to rectify such an un-American condition.

I do not take things of that type lying down. I took up the matter with General Marshall, with the Chief of Army Engineers, who was in charge of the construction, with the senior Senator from Colorado [Mr. JOHNSON] and with the junior Senator from Colorado [Mr. MILLIKIN] in whose States the camp is located, with the Governor of Colorado, who happened to be a Republican at the time, and with the F. E. P. C. I received the full cooperation of all concerned. That was as it should be. An investigation was immediately made, and the matter was found to be so discriminatory, so unfair, and so un-American that the persons who had been dismissed were placed back at work within several days.

Can anyone still tell me that we do not need some agency of government to carry out such functions of government and to try to preserve the things which were created through the instrumentality of the Declaration of Independence and the Constitution, and for which our boys now are dying?

Again in talking about good will, let me ask whether Senators believe that all the millions of dollars we spend below the border can convince the people of the Latin-American countries that we are

their friends, if such a thing as the one which occurred at Camp Hale, Colo., is tolerated or allowed to continue?

Permit me to cite other cases:

On November 24, 1943, I complained to the Chairman of the F. E. P. C. about a discriminatory advertisement which had appeared in the Albuquerque Morning Journal of November 19. That advertisement stated that Anglo girls were wanted for fountain and restaurant work. What did the Committee do? It did not go down there and use the Army to drive or force people to do certain things. It merely went there, talked over the matter, and said, "See here, these girls do not have to be of Anglo-American stock. Our people are composed of representatives of various races," including Sidney Hillman, whether we like it or not.

As a result of that action by the Committee, the advertisement was discontinued. American girls of Latin extraction were hired by the party charged, which was the Engineers Exchange of Albuquerque, N. Mex.

Now let us consider the poor people who are unable to take care of themselves without the help of the Senate. Workers at the Humble and Sinclair Oil Cos. need our help. Do Senators have any doubt about that? When Mexico, under her laws, did certain things, the Humble Oil Co. and the Sinclair Oil Co. wanted our help, and they complained that they were being mistreated. We are supposed to go there, to protect their so-called rights. We are supposed to go there and to use the strong arm of the United States—and our Government has a strong arm—to protect their so-called rights, regardless of whether those rights were obtained by means of arson, murder, or robbery. We are supposed to protect them. But in their dealings in this country, what do they do to the so-called poor Mexicans? Those companies, the Humble Oil Co. and the Sinclair Oil Co., say we are abusing them because we want them to do the right thing by some poor laborers. Workers at the Humble Oil Co. and the Sinclair Oil Co., in Texas, filed complaints with the F. E. P. C. Those complaints were a part of a number of charges filed against those two companies and against the Shell Oil Co. The Committee was able to adjust the specific complaints. All the Committee did was go down there and talk about the matter with the companies. The Committee succeeded in adjusting the specific complaints against the Humble and the Sinclair Oil Cos., but is still attempting to correct the discriminatory policies of the Shell Oil Co. The Shell Oil Co. has been using those practices in this country. The Shell Oil Co. is also a foreigner; it is not an American company. It is doing business here through the tolerance of this Government and through the tolerance of the American people. Merely because a committee of the President is attempting to obtain fair employment practices on the part of that company, we are told that we are driving business to perdition.

All Members of the Senate will recall the early 1920's. All of us recall what the oil companies did to us, unbeknown to us until the late Senator Walsh of Montana developed in this body what those oil companies were doing. Of course, because a little, two by four committee of the President wants them to pay the correct and proper wages, to treat a human being with the dignity to which he is entitled, we are told that we are driving those poor business people to perdition. Mr. President, it is too pathetic.

In all those cases, company practices prevented Mexican workers from obtaining opportunities to hold better paying and more skilled jobs. In anything as deep-seated as the discriminatory practices encountered, it would be foolish to say that all the problems in connection with the Humble Oil Co. and the Sinclair Oil Co. have been finally adjusted, although the specific complaints have been taken care of.

When we talk about good will, we must not forget the treatment received by Mexican workers. We might give the Office of the Coordinator of Inter-American Affairs $20,000,000. We gave that office $43,000,000 last year. But I can tell you, Mr. President, how it all goes to waste.

Mexican workers encountered difficulty in obtaining employment at the Dallas plant of the North American Aviation Co. Those individuals were qualified workers who were unable to obtain clearance for employment because they were still citizens of Mexico, although they had been living in the United States for a number of years. It is important to keep in mind that such persons were subject to the draft, and could be called for military service. Therefore, in all fairness, they should have had an opportunity to obtain employment. Dr. Carlos E. Castaneda, who was then Acting Regional Director in the Committee's Dallas office, succeeded in obtaining clearance for those workers, and approximately 50 men were employed as a result of his efforts.

Currently, the committee is investigating complaints of wage and occupational discrimination against Mexicans in the copper industry. So far, the investigation has included the following communities: In Arizona, Winkleman, Globe, Clifton, and Phoenix; in New Mexico, Santa Rita; and in Texas, El Paso.

Of course, one cannot blame the Government for responsibility in individual cases. Many of these instances of discrimination are caused by individual citizens, businessmen, corporations—yes—and even unions; but it is the duty of the Federal Government, in my opinion, to adjust such abuses, especially in wartimes.

Mr. President, let me inform my fellow Senators about the people of Latin America. I think I know them. I happen to be of Spanish extraction. I think I know their virtues and their failings, their feelings, and the psychological reactions of Latin Americans. I know their individuality, their characteristics, their emotions, their racial and religious background. Good will cannot be bought from a person of Spanish or Latin extraction. More can be done by a kind word, by decent treatment, by fair play, than by all the millions of dollars which may be spent. Courtesy and personal dignity constitute the keystone of their culture. A recognition of fair play and common decency in our treatment of our neighbors is all that is necessary. A recognition of the dignity of the human being, the dignity of birth, and the glory of death will bring about good will. I respectfully submit this thought to my fellow Members of the Senate, with the hope that it may contribute to the affirmative side of the argument on the merits of the item involved in the F. E. P. C. appropriation. I would consider myself unfaithful to the duties of my office and to my obligations as a citizen of this Republic were I not to support without qualification the appropriation making possible the continuance of the present Committee on Fair Employment Practice.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. RUSSELL. I regret that I was called from the Chamber once or twice during the remarks of the able Senator from New Mexico. I wonder if the Senator touched upon the constitutional aspects of the question with respect to the right or power of the President to establish an agency with powers which this agency claims to possess.

Mr. CHAVEZ. I may answer the Senator in this way: The interpretation of the Constitution is rather peculiar. I have heard arguments in this body to the effect that a certain piece of proposed legislation might be constitutional or might not be constitutional. I have heard lawyers, in whom I had confidence, argue that the particular provision now being discussed is constitutional, and I have heard other highly respected Members give an entirely different interpretation of the law. I have no opinion with regard to it.

Mr. RUSSELL. Of course, the Senator knows that we do not have legislation before us. A question as to constitutionality of legislation would not be germane.

Mr. CHAVEZ. The Senator is correct. However, I do know that, due to the emergency itself, we have given the President certain war powers. Whether we had a right to do so is beside the question.

Mr. RUSSELL. Which one of the war powers does the Senator believe has been exercised in creating this agency?

Mr. CHAVEZ. I have no ideas with regard to it, one way or the other.

Mr. RUSSELL. The agency was created in June 1941, which was before we were involved in the war and before we had granted to the President any war powers.

Mr. CHAVEZ. The Senator is correct. Up to this particular point that authority has not been questioned. I understood the Senator from Georgia so to tell me last week, when I asked him during the debate if anyone had questioned the authority of the Committee to act.

Mr. RUSSELL. The Senator from New Mexico is a lawyer, and, of course,

595508—7365

he knows that a citizen cannot sue his Government without its consent. I do not know how the question of legality may be questioned when no citizen may go into court and sue a department of his Government for having imposed sanctions.

Mr. CHAVEZ. I recall that only a few weeks ago we had before us the matter which arose in Chicago involving the taking over by the Government of the Montgomery Ward plant. I was one of those who believed that possibly the Government did not have the authority for doing what it had done. However, the Government took over the plant. I questioned the authority of the Government to take over the Montgomery Ward plant, but it was taken over. There was subsequently some adjudication which caused me to believe that possibly I had been wrong and that the Government, after all, had the necessary authority.

Mr. RUSSELL. I do not believe there is any similarity between the issues involved in the case of seizing the Montgomery Ward plant and the right of the Government to seize a business by virtue of a citizen refusing to obey the rules of an agency not created by an act of Congress.

Mr. CHAVEZ. It is all a matter of opinion. There are some very good lawyers in the other House, and some of them are of the impression that the provision under discussion is legal. The members of the committee approved the provision, 16 to 8. Evidently they felt there was some authority for the provision.

Mr. President, there should be little necessity for elaborating on the reasons supporting the continuance of the President's Committee on Fair Employment Practice. Aside from the practical aspects of the matter, the same moral, social, economic, intellectual, and patriotic arguments could be summoned to sustain the unyielding Americanism of this appropriation which could be resorted to for purposes of upholding the provisions of our Declaration of Independence, our Constitution, and our Bill of Rights. Certainly, there is not a scintilla of moral error in the constitutional provision that every American citizen is guaranteed the certainty of these freedoms under law which will contribute to his enjoyment of life, liberty, and the pursuit of happiness.

U. S. GOVERNMENT PRINTING OFFICE, 1944

(Not printed at Government expense)

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 79th CONGRESS, FIRST SESSION

F. E. P. C.: A Challenge to Democracy

EXTENSION OF REMARKS

OF

HON. DAVID I. WALSH

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Tuesday, May 15, 1945

Mr. WALSH. Mr. President, I ask to have inserted in the Appendix of the CONGRESSIONAL RECORD an article entitled "F. E. P. C.: A Challenge to Democracy," by Father Richard J. Roche, published in America, April 14.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

F. E. P. C.: A CHALLENGE TO DEMOCRACY

(By Richard J. Roche, O. M. I.)

A steady job which pays wages is a very important thing. Very few people are able to live without using their hands and brains in exchange for money. Without a job, most men may not eat; without a decent job paying relatively decent wages a man cannot live anywhere but in a slum, cannot keep the ravages of disease from his home, cannot hope to plan for his children any brighter future than the drab, hand-to-mouth existence which is his own.

Most working people, many politicians, and even some businessmen have at last come to the Christian—and Papal—point of view: that since man is bound to lead a good life, and since a decent job with decent pay is at present a practically necessary means to a good life, there is a right to work, to use one's skills for just wages which will support a man, and his family in decent comfort.

Recent years have seen this right extended, at least in theory, to workingmen in general. Yet here in the United States, many of those who have come to recognize the fundamental nature of this right to work are failing—out of a false self-interest—to recognize the fact that this same principle applies to the minority-group working man (notably the Negro) exactly as it applies to all working men, or to working men in general.

It is not necessary to prove that the Negro worker has been the special object of the denial of the right to work. That is known to all of us. It has also become known to us that even a war-induced shortage of white manpower in the face of a most grave international situation could not break down the barriers to any appreciable degree, not only in industry, but also in many branches of government.

QUALIFIED BUT BLACK

As an example in point, there is the case of the large and extremely important Federal agency which, not long after the outbreak of the war, was engaged in most vital war research. The research was impeded by a lack of skilled electrochemists. A young man, a university graduate with specialized knowledge in the very field of research, was sent to the agency by a Federal referral office. The young man was a Negro. But the personnel officer of the agency shook his head sadly when the young man presented himself: "I'm so sorry, but the position has been filled." The Negro chemist left.

He had forgotten, however, to obtain the personnel officer's signature to his admission slip, and discovered that he was not allowed to leave the building. So he went back to get it. The sign on the door read "Enter," so he entered. The personnel officer was talking on the telephone and did not even look up. He was saying: "• • • the best qualifications I have seen in a long, long time. Just what we need. • • • Yes; would have hired him on the spot if he could only erase his color."

Because there was a President's Committee on Fair Employment Practice (F. E. P. C.) the Negro chemist soon obtained the position, and vital war research, halted by a false labor shortage, went forward once more.

There is no doubt that this F. E. P. C. was not set up with the whole-hearted approval of the American people, nor with the united support of the majority (Democratic) party, nor was it even established from an unalloyed sense of justice on the part of the administration. There was a large dose of the pragmatic in its founding: the knowledge that the war effort was being seriously hampered by discrimination plus the effects of pressure brought to bear by interested citizens and civic groups. It was established by an original Executive order (8802) which was not very strong and, in addition, not too clear. Even the amending Executive order (9346) under which the F. E. P. C. now operates is open to interpretation on certain very important points, and still does not give the Committee any powers which are really effective in practice.

If you search the pages of the CONGRESSIONAL RECORD you will discover that last summer, during Senate debate on the F. E. P. C., a Democratic Senator from the South gave vent to some very impassioned phrases in which he characterized the F. E. P. C. as the "most powerful • • • ruthless" of New Deal agencies. Of course this was oratory which would look good to prejudiced voters back in the home State. But was it truth? Examine the Executive orders under which the F. E. P. C. operates. The plain fact of the matter is that the F. E. P. C. cannot seize anything, cannot even stop anything—it can only investigate, judge, attempt to conciliate, and, that failing, finally request the President or some congressionally established agency to do the stopping for it. This is

overwhelmingly demonstrated by the many cases to need proof.

But, to put the matter beyond argument, look at what happened to the proven cases of flagrant discrimination involving certain railroads and railway-labor unions. The F. E. P. C., after trying in vain for months to negotiate an adjustment, finally passed the matter on to the President—and the President created the special Stacey committee whose original purpose was to effect a just settlement of the cases. More than a year has passed now since the Stacey committee took over, and some people are beginning to wonder if it is not the intent of the Stacey committee to put the matter on ice forever. That is not good government. Rather than having a "powerful" and "ruthless" F. E. P. C., it seems that we have some business enterprises and some labor unions more powerful than the Federal Government.

F. E. P. C.'s 3-YEAR RECORD

Yet, in the less than 3 years of its effective existence, the F. E. P. C. has, by peaceful negotiation and with the help of some friendly businessmen and some friendly labor unions, adjusted thousands of cases. This has been done in almost all instances without riots, without strikes or publicity.

Most of us agree that "Government by Executive order" is something which is at times necessary, but which is dangerous and can be overdone. We are also agreed that it is the duty of the Congress to pass laws which are just and necessary. Since the right to work, as outlined, is fundamental, and since this right has been flagrantly denied to the Negro (13,000,000 Negroes), it seems that we have here a pressing need for congressional action. In this case a law of Congress would both fulfill a duty of Congress and eliminate the necessity for what has been a very controversial (but much maligned) Executive order.

Shortly before the last national elections the Republican Party announced that it had seen the justice of the minority worker's case and that it had also seen the necessity for speedy and effective congressional action. It pledged itself to such action. Seemingly the administration and its Democratic supporters saw the same facts when the antidiscrimination Executive orders were issued. It is too much to hope, of course, that what is known as the Southern bloc in Congress has also seen the light; but even without the aid of that block it seems that, given forthright good faith on the part of the duly elected representatives of the American people, a very safe majority of Senators and Representatives is committed to the support of just and intelligent legislation designed to insure every worker's right to consideration for employment for which he possesses the skill and qualifications.

NOT JUST A WAR NEED

The present F. E. P. C. is a war agency erected under the war powers of the President. The war was the occasion which necessitated an attempt to give employment opportunity to qualified minority-group workers. But the war was not, is not, and cannot be the basis for the right of the minority worker to decent employment opportunity. War does not change the basic principles of morality and justice. The right of the minority worker existed before the war (although it was not generally recognized), it exists during the war (when it is partially recognized), and it will exist after the war, despite the fact that many may then want to deny it. On the other hand, in the light of all experience with discrimination in employment, it may be said with almost equal certitude that the injustice which existed before the war will flare to even greater intensity after the war—unless the Congress of the United States, which purports to represent all the people and to serve all the people, does something about it now.

There is now before the Congress such legislation. The bill is known officially as S. 101. It aims to establish a permanent F. E. P. C. with rights and obligations outlined in law; actions taken under it will be subject to review by the Federal courts. The bill as it now stands, is a sane, effective, constitutional piece of legislation. If America is to keep faith with the democratic credo it is supposed to have, that bill must pass. If the Congress is to keep faith with its own promises, that bill must pass without important revision or amendment; emasculated substitutes, such as the Taft effort, will not serve to keep congressional honor clean. Support of S. 101 is not action in behalf of minorities alone. It is to the interest of the Nation as a whole.

U. S. GOVERNMENT PRINTING OFFICE, 1946

FEPC Bill

79TH CONGRESS
1ST SESSION

S. 101

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1945

Mr. CHAVEZ (for himself, Mr. DOWNEY, Mr. WAGNER, Mr. MURRAY, Mr. CAPPER, Mr. LANGER, and Mr. AIKEN) introduced the following bill; which was read twice and referred to the Committee on Education and Labor

A BILL

To prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects commerce.

It is hereby declared to be the policy of the United States to eliminate such discrimination in all employment relations which fall within the jurisdiction or control of the Federal Government as hereinafter set forth.

RIGHT TO FREEDOM FROM DISCRIMINATION IN EMPLOYMENT

SEC. 2. The right to work and to seek work without discrimination because of race, creed, color, national origin, or ancestry is declared to be an immunity, of all citizens of the United States, which shall not be abridged by any State or by an instrumentality or creature of the United States or of any State.

UNFAIR EMPLOYMENT PRACTICES DEFINED

SEC. 3. (a) It shall be an unfair employment practice for any employer within the scope of this Act—

(1) to refuse to hire any person because of such person's race, creed, color, national origin, or ancestry;

(2) to discharge any person from employment because of such person's race, creed, color, national origin, or ancestry;

(3) to discriminate against any person in compensation or in other terms or conditions of employment because of such person's race, creed color, national origin, or ancestry; and

(4) to confine or limit recruitment or hiring of

persons for employment to any employment agency, placement service, training school or center, labor union or organization, or any other source that discriminates against persons because of their race, color, creed, national origin or ancestry.

(b) It shall be an unfair employment practice for any labor union within the scope of this Act—

(1) to deny full membership rights and privileges to any person because of such person's race, creed, color, national origin, or ancestry;

(2) to expel from membership any person because of such person's race, creed, color, national origin, or ancestry; or

(3) to discriminate against any member, employer, or employee because of such person's race, creed, color, national origin or ancestry.

(c) It shall be an unfair employment practice for any employer or labor union within the scope of this Act to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden by this Act or because he has filed a charge, testified, or assisted in any proceeding under this Act.

SCOPE OF ACT

SEC. 4. (a) This Act shall apply to any employer having in his employ six or more persons, who is (1) engaged in

interstate or foreign commerce or in operations affecting such commerce; (2) under contract with the United States or any agency thereof or performing work, under subcontract or otherwise, called for by a contract to which the United States or any agency thereof is a party, awarded, negotiated, or renegotiated as hereinafter provided in section 13 of this Act.

(b) This Act shall apply to any labor union which has six or more members who are engaged in interstate or foreign commerce or in operations affecting such commerce or employed by the United States or any Territory, insular possession, or instrumentality thereof.

(c) This Act shall apply to the employment practices of the United States and of every Territory, insular possession, agency, or instrumentality thereof, except that paragraphs (e) and (f) of section 10, providing for petitions for enforcement and review, shall not apply in any case in which an order has been issued against any department or independent agency of the United States; but in any such case the Fair Employment Practice Commission established by section 5 of this Act may petition the President for the enforcement of any such lawful order, and it shall thereupon be the duty of the President to take such measures as may secure obedience to any such order. Every officer,

agent, or employee who willfully violates any such order shall be summarily discharged from the Government employ.

FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 5. For the purpose of securing enforcement of the foregoing rights and preventing unfair employment practices on the part of employers and labor unions, there is hereby established a commission to be known as the Fair Employment Practice Commission, which shall consist of a Chairman and four additional members to be appointed by the President, by and with the advice and consent of the Senate, who shall serve for a term of five years except that the terms of the members originally appointed shall expire seriatim at intervals of one year. Any member of the Commission may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Three members of the Commission shall at all times constitute a quorum.

REPORTS

SEC. 6. The Commission shall at the close of each fiscal year make a report in writing to the Congress and to the President concerning the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Commission, and an account of all moneys it has disbursed,

and shall make such further reports on the cause of, and means of alleviating discrimination, and such recommendations for further legislation as may appear desirable.

SALARIES

SEC. 7. Each member of the Commission shall receive a salary of $10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.

TERMINATION OF COMMITTEE ON FAIR EMPLOYMENT PRACTICE

SEC. 8. Upon the appointment of the members of the Commission, the Committee on Fair Employment Practice, established by Executive Order Numbered 9346 of May 27, 1943, shall cease to exist. All employees of the said Committee shall be transferred to and become employees of the Commission. All records, papers, and property of the Committee shall pass into the possession of the Commission, and all unexpended funds and appropriations for the use and maintenance of the Committee shall be available to the Commission.

LOCATION OF OFFICES

SEC. 9. The Commission shall hold its sessions in the District of Columbia and at such other places as it may designate. The Commission may, by one or more of its members or by such referees, agents, or agencies as it may

designate, prosecute any inquiry or conduct any hearing necessary to its functions in any part of the United States or any Territory or insular possession thereof.

PROHIBITION OF UNFAIR EMPLOYMENT PRACTICES

SEC. 10. (a) The Commission is empowered as herein provided to prohibit any person from engaging in any unfair employment practices within the scope of this Act.

(b) Whenever it is alleged that any person has engaged in any such unfair employment practice, the Commission, or any referee, agent, or agency designated by the Commission for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Commission or a member thereof, or before a designated referee, agent, or agency at a place therein fixed not less than ten days after the serving of said complaint.

(c) The person so complained of shall have the right to file an answer to such complaint and to appear in person or otherwise, with or without counsel, and give testimony at the place and time fixed in the complaint.

(d) If upon the record, including all the testimony taken, the Commission shall find that any person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order

requiring such person to cease and desist from such unfair employment practice and to take such affirmative action, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this Act. If upon the record, including all the testimony taken, the Commission shall find that no person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(e). The Commission shall have power to petition any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia) or, if all the circuit court of appeals to which application might be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair employment practice in question occurred, or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court to which petition is made shall conduct further proceedings in conformity with the procedures and limitations

established by law governing petitions for enforcement of the orders of the National Labor Relations Board.

(f) Any person aggrieved by a final order of the Commission granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia) within any circuit wherein the unfair employment practice in question was alleged to have occurred or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the Commission be modified or set aside. Upon such filing, the reviewing court shall conduct further proceedings in conformity with the procedures and limitations established by law governing petitions for review of the orders of the National Labor Relations Board.

INVESTIGATORY POWERS

SEC. 11. (a) For the purpose of all hearings and investigations which in the opinion of the Commission are necessary and proper for the exercise of the powers vested in it by this Act, the Commission, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in

question. Any member of the Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Commission, its member, agent, or agency conducting the hearing or investigation. Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under in-

vestigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

RULES AND REGULATIONS

SEC. 12. The Commission shall have authority from time to time to make, amend, and rescind such regulations as may be necessary to carry out the provisions of this Act. Such regulations shall be effective sixty days after transmission to the Congress unless the Congress has in the interim amended or nullified such regulations by appropriate legislation or has adjourned within thirty days after the submission of such regulations. Such regulations shall include the

procedure for service and amendment of complaints, for intervention in proceedings before the Commission, for the taking of testimony and its reduction to writing, for the modification of the findings or orders prior to the filing of records in court, for the service and return of process and fees of witnesses, and with respect to the seal of the Commission, which shall be judicially noticed, the payment of expenses of members and employees of the Commission, the qualification and disqualification of members and employees and any other matters appropriate in the execution of the provisions of this Act.

GOVERNMENT CONTRACTS

SEC. 13. (a) All contracting agencies of the Government of the United States shall include in all contracts hereafter awarded, negotiated, or renegotiated by them, except such classes of contracts as may be exempted from the scope of this provision by regulation adopted pursuant to section 12 of this Act, a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, or ancestry, and requiring him to include a similar provision in all subcontracts.

(b) No contract shall be awarded or executed by the United States or any agency thereof to any person found by

the Commission to have violated any of the provisions of this Act or to any firm, corporation, partnership, or association in which such person has a controlling interest, for a period to be fixed by the Commission not to exceed three years from the date when the Commission determines such violation to have occurred. The Commission may by subsequent order, for good cause shown, reduce any period so fixed. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of such persons.

WILLFUL INTERFERENCE WITH COMMISSION AGENTS

SEC. 14. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Commission or any of its referees, agents, or agencies, in the performance of duties pursuant to this Act, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of such Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

DEFINITIONS

SEC. 16. (1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of any employer, directly or indirectly, and includes the United States and every Territory, insular possession, and agency or instrumentality thereof.

(3) The term "labor union" includes any organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning the terms or conditions of employment.

(4) Unless otherwise specified, the term "Commission" means the Fair Employment Practice Commission created by section 5 of this Act.

(5) The term "Committee" means the Committee on Fair Employment Practice established by Executive Order Numbered 9346 of May 27, 1943.

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but

through any other State or Territory or the District of Columbia or any foreign country.

(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

SEC. 17. This Act may be cited as the "Fair Employment Practice Act."

FOR A BILL

79TH CONGRESS
1ST SESSION

S. 101

A BILL

To prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

By Mr. CHAVEZ, Mr. DOWNEY, Mr. WAGNER, Mr. MURRAY, Mr. CAPPER, Mr. LANGER, and Mr. AIKEN

JANUARY 6, 1945

Read twice and referred to the Committee on Education and Labor

79TH CONGRESS
1ST SESSION

S. 293

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 1945

Mr. WAGNER (for himself and Mr. WHEELER) introduced the following bill; which was read twice and referred to the Committee on Interstate Commerce

A BILL

To amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DIVISION I

SECTION 1. Section 1 (a) of the Railroad Retirement Act of 1937 and section 1 (a) of the Railroad Unemployment Insurance Act are amended to read as follows:

"(a) The term 'employer', except as otherwise provided in this subsection, shall mean—

"(1) Any carrier: A 'carrier' is any express company,

sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act;

"(2) Any person, other than a carrier regulated under part I of the Interstate Commerce Act, which, pursuant to arrangements with a carrier or otherwise, performs, for hire, with respect to passengers or property transported, being transported, or to be transported by a carrier, any service included within the term 'transportation' as defined in section 1 (3) of the Interstate Commerce Act, whether or not such service is offered under railroad tariffs;

"(3) Any freight forwarder: A 'freight forwarder' is any person, other than a carrier, which holds itself out to the general public to transport, or provide transportation of property for hire, and which in the ordinary and usual course of its undertaking assembles and consolidates, or provides for assembling and consolidating, shipments of such property. and performs, or provides for the performing of, break-bulk and distributing operations with respect to such consolidated shipments, and assumes responsibility for the transportation of such property from point of receipt to point of destination, and regularly and substantially utilizes, for the transportation of such shipments, the services of one or more carriers;

"(4) Any person engaged in rendering, pursuant to any arrangement for one or more carriers, any service which (i) is of such a nature as to be susceptible of indefinitely

continuous performance and (ii) constitutes a part of or is necessary or incidental to the operation or maintenance of way, equipment or structures devoted to transportation use, or constitutes a clerical, sales, accounting, protective, or communications service necessary or incidental to the conduct of transportation carried on by a carrier, or is rendered with respect to passengers or property transported by railroad, at point of departure or shipment or at destination or between such points;

"(5) Any person which, through any form of property interest, is directly or indirectly subject to control by or to common control with a carrier and which (i) is engaged in acquiring or holding title to managing, maintaining, or operating any property devoted substantially to use in the transportation conducted by such carriers; or (ii) is engaged in performing services necessary or incidental to the conduct of the transportation carried on by such carrier, or services in the manufacture of equipment or equipment parts or in the processing of materials for use in the operation, servicing, or maintenance of way, structures or equipment devoted to use in transportation, or services in connection with the storage, elevation, or handling of property transported, being transported, or to be transported if such storage, elevation, or handling services are provided with respect to property accorded privileges of storage in transit, or for the promotion

or facilitation of transportation conducted by such carrier; or (iii) is engaged in transportation by motor vehicle;

"(6) Any railroad association, traffic association, tariff bureau, demurrage bureau, weighing and inspection bureau, collection agency, and other association, bureau, agency, or organization controlled and maintained wholly or principally by two or more employers and engaged in the performance of services in connection with or incidental to railroad transportation;

"(7) Any railway labor organization, national in scope, which will have been or may be organized in accordance with the Railway Labor Act, and such organization's State and National legislative committees, general committees, insurance departments, and local lodges and divisions, established pursuant to the constitution and bylaws of such organization;

"(8) Any organization maintained or controlled by one or more employers, and principally engaged in furnishing medical, hospital, educational, recreational, or other welfare services to employees, or in providing for the payment of life, sick, accident, or other benefits to such employees or the dependents or survivors of such employees; and

"(9) Any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property,

or operating all or any part of the business of an employer as defined herein.

"(10) Exclusions: Except with respect to persons covered by clause (iii) of paragraph (5), the term 'employer' shall not include any person (i) by reason of operations in the conduct of which such person holds itself out directly to the public as a common carrier by water, air, or motor or animal-drawn vehicle, or as a contract carrier by any of such means, other than contract carrier service regularly offered to railroad passengers, shippers, or consignees pursuant to arrangements with an employer such as defined herein; or (ii) by reason of the performance of any operation which is insubstantial or is so irregular or infrequent as to afford no substantial basis for an inference that such operation will be repeated; or (iii) by reason of its being engaged in the mining of coal, the supplying of coal to an employer such as herein defined where delivery is not beyond the mine tipple, and in the operation of equipment or facilities therefor, or in any of such activities, or in logging or the milling of lumber to standard commercial sizes, or in furnishing supplies to a carrier; or (iv) by reason of the operation of a street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, or is a part

of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed, upon request of the Board, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this clause. The term 'employer' shall not include any individual by reason of the performance of any service by such individual personally.

"(11) Segregation: Any person who is an employer as defined in this subsection shall be an employer with respect to all activities carried on by it, except that (i) any person who is an employer by reason of paragraph (9) shall be an employer only in the capacity described in that paragraph; (ii) if the Board finds that a person is principally engaged in activities other than employer activities and that its employer activities are conducted as an operation or operations separate and distinct from the operations in which it is principally engaged, such person shall be an employer only with respect to such employer operation or operations; and (iii) if the Board finds that a person who is an employer solely by reason of paragraph (2) or (4) of this subsection, is principally engaged in activities other than employer activities but does not, pursuant to clause (ii) find that the employer activities of such person are

conducted as an operation or operations separate and distinct from the operations in which it is principally engaged, such person shall be an employer only with respect to all work performed in its employ by individuals who regularly and substantially perform work on property structures or equipment devoted to transportation use. If to a substantial extent the individuals working in employer activities regularly work also in the operations in which a person is principally engaged, such employer activities shall not be deemed to be conducted as an operation or operations separate and distinct from the operations in which such person is principally engaged. For the purposes of this subsection, a person shall be deemed to be principally engaged in activities other than employer activities if the man-hours devoted to such other activities are more than one-half of the total man-hours devoted to all activities carried on by such person, except that if the Board finds that a determination on such basis is impracticable or inappropriate the Board shall make the determination on the basis of such factors as in its judgment are relevant and appropriate. The term 'employer activities' as used in this subsection shall mean all such activities as are conducted by a person as a carrier, or as are described in paragraph (2), (3), (4), (5), (6), or (8). When a final determination will have been made as to whether a person is principally engaged in employer activi-

ties, the matter shall not be redetermined except upon the basis of operations conducted for a period of not less than three years following the last operations considered in making the previous determination, unless the Board finds that substantial activities will have been abandoned or substantial new activities will have been undertaken. Upon any such redeterminaton the conclusion shall be governed by the previous determination, unless the Board finds that on the basis of the factors on which such previous determination will have been based, the activities in which the person previously was principally engaged constitute less than 40 per centum of such person's activities."

SEC. 2. Section 1 (c) of the Railroad Retirement Act of 1937 and section 1 (e) of the Railroad Unemployment Insurance Act are each amended as follows: After the word "if" in the first sentence insert "(i)" and for the phrase "which services he renders for compensation" substitute the following: "or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, or he is personally performing for an employer any service by reason of which, except for the last sentence of paragraph (10) of subsection (a), he would be an employer, and (ii) he renders such service for

compensation", and for the purpose of continuing the amendment of the Railroad Retirement Act of 1937, only, add after the word "compensation" the following: ", or a method of computing the monthly compensation for such service is provided in section 3 (c)". Said subsections are further amended by inserting at the end of the first proviso the following: ", and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation".

SEC. 3. Section 1 (h) of the Railroad Retirement Act of 1937 is amended by substituting for the words "earned by" the words "paid to", and section 1 (i) of the Railroad Unemployment Insurance Act is amended by substituting for the word "payable" the word "paid"; by striking out the proviso in said section 1 (i) of the Railroad Unemployment Insurance Act and replacing the colon with a period; and by inserting at the end of said section 1 (h) of the Railroad Retirement Act of 1937 and at the end of said section 1 (i) of the Railroad Unemployment Insurance Act, the following: "A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for

service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, 'for time lost' the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. Compensation earned in any calender month before 1946 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1945 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 8, the period during which such compensation will have

been earned."; and in said section 1 (h), immediately after the word "earned" at the end of this insertion, insert the following additional language: "In determining the monthly compensation, the average monthly remuneration, and quarters of coverage of any employee, there shall be attributable, as compensation paid to him in each calendar month in which he is in military service creditable under section 4 the amount of $160 in addition to the compensation, if any, paid to him with respect to such month."

SEC. 4. (a) Sections from 1500 to 1530, inclusive, of the Internal Revenue Code are hereby amended by substituting "Board" for "Commissioner" and for "Bureau of Internal Revenue", "title" for "subchapter", and by deleting "with the approval of the Secretary" wherever said language appears.

(b) Sections 1500 and 1510 of the Internal Revenue Code are amended by substituting for the language, "$300 for any calendar month earned by" the language, "$300 multiplied by the number of months in the calendar year with respect to which compensation is paid, paid to". Section 1520 of the Internal Revenue Code is amended by substituting for the language, "in excess of $300 for any calendar month paid by him to any employee", the language, ", with respect to any employee, in excess of $300 multiplied by the number of months in the calendar year in which the

employee was in his service, paid by him"; by substituting for "December 31, 1936" the date "June 30, 1945"; by substituting for "$300" in the priviso the language, "$300 multiplied by the number of months in the calendar year in which the employee will have been in the service of an employer,"; and by substituting for the portion of the section beginning with the words "month, and each such" and continuing to the end of the proviso the following: "year, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the tax which the compensation paid by him to the employee bears to the total compensation paid to the employee by all such employers; and in the event that the conpensation paid by such employers to the employee is less than $300 multiplied by the number of calendar months in such year in which the employee will have been in the service of an employer each subordinate unit railway labor organization employer shall be liable for such proportion of any additional tax as the compensation paid by such employer bears to the compensation paid by all such employers:"

(c) Sections 1500 and 1520 of the Internal Revenue Code are further amended by substituting for the numbered paragraphs the following:

"1. With respect to compensation payable between June

30, 1945, and January 1, 1946, and compensation paid during 1946, 1947, and 1948, the rate shall be 5¼ per centum;

"2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 per centum;

"3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ per centum."

Section 1510 of the Internal Revenue Code is amended by substituting for the numbered paragraphs the following:

"1. With respect to compensation payable between June 30, 1945, and January 1, 1946, and compensation paid during 1946, 1947, and 1948, the rate shall be 11¼ per centum.

"2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 12 per centum.

"3. With respect to compensation paid after December 31, 1951, the rate shall be 12½ per centum."

(d) Subsection (a) of section 1530 of the Internal Revenue Code is amended by substituting for the language "as internal-revenue collections.", the following: "together with any interest, penalties, and additions to the taxes, to the credit of the railroad retirement account. All moneys so paid into the Treasury are hereby permanently appropriated to the railroad retirement account: *Provided, however,*

That the appropriation herein made of moneys paid in for the fiscal year 1946 shall be (A) increased, from moneys in the general fund of the Treasury not otherwise appropriated, by an amount by which (i) the sum of all amounts heretofore or hereafter collected under the Carriers Taxing Act of 1937, and subchapter B of chapter 9 of the Internal Revenue Code may exceed (ii) the sum of all appropriations made to the railroad retirement account (exclusive of the appropriations for crediting military service) and all appropriations made to the Board pursuant to section 16, whether heretofore or hereafter made, or (B) decreased by payment into the general fund of the Treasury of an amount by which the sum computed in clause (ii) may exceed the sum computed in clause (i). There is hereby authorized to be appropriated from the Railroad Retirement Account such sums as may be necessary to provide for the expenses of the Board in administering both titles of this Act and the Railroad Retirement Act of 1935. Any part of any appropriation so made which may at any time lapse shall revert to the credit of the Railroad Retirement Account."

"(e) Section 1536 of the Internal Revenue Code is amended to read as follows: "All provisions of law applicable with respect to the contributions imposed by section 8 of the Railroad Unemployment Insurance Act shall be applicable with respect to the taxes imposed by this title."

(f) The amendments made by this section shall become effective on January 1, 1946, except those relating to the rate of taxation which shall become effective July 1, 1945. Effective January 1, 1946, sections 1500 to 1530, inclusive, and section 1536 of the Internal Revenue Code are removed from the Internal Revenue Code and shall constitute title II of the Railroad Retirement Act of 1937, being renumbered sections 20 through 32 with appropriate renumbering of all cross-references therein contained, said title to be in the words and marks: "Carriers' Taxing Act of 1945"; effective also on that date all other provisions of subchapter B of chapter 9 of the Internal Revenue Code shall be repealed. The provisions of this section becoming effective on January 1, 1946, shall not affect any rights or liabilities accrued before January 1, 1946.

DIVISION II

SEC. 201. Section 1 (d) of the Railroad Retirement Act of 1937 is amended to read as follows:

"(d) An individual shall be deemed to have been in the employment relation to an employer on the enactment date if (i) he was on that date on leave of absence from his employment, expressly granted to him by the employer by whom he was employed, or by a duly authorized representative of such employer, and the grant of such leave of absence will have been established to the satisfaction of the

Board before July 1946; or (ii) he was in the service of an employer after the enactment date and before January 1945 in each of six calendar months, whether or not consecutive; or (iii) before the enactment date he did not retire and was not retired or discharged from the service of the last employer by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before the enactment date to be in the service of such employer and thereafter remained continuously disabled until he attained age sixty-five or until August 1944 or (B) solely for such last stated reason an employer by whom he was employed before the enactment date or an employer who is its successor did not on or after the enactment date and before August 1944 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on the enactment date absent from the service of an employer by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the employer, as wrongful, and which was followed within nine years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on the enactment date in the

employment relation to an employer if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6, or if during the last pay-roll period before the enactment date in which he rendered service to an employer he was not in the service of an employer, in accordance with subsection (c), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after the enactment date in the service of a local lodge or division defined as an employer in section 1 (a) (7).

SEC. 202. Section 1 (f) is amended by changing the period at the end of the proviso to a semicolon and adding "it may also be included as to service rendered to a person not an employer in the performance of operations involving the use of standard railroad equipment if such operations were performed by an employer on the enactment date." Section 1 (f) is further amended by substituting for the word "An" in the next to the last sentence the following: "Ultimate fractions shall be taken at their actual value, except that if the individual will have had not less than fifty-four months of service, an" and by striking out the last sentence.

SEC. 203. Section 1 (m) is amended to read as follows:

"(m) An individual shall be deemed to have 'a current

connection with the railroad industry' at the time an annuity begins to accrue to him and at death if, in any thirty consecutive calendar months before the month in which an annuity under section 2 begins to accrue to him (or the month in which he dies if that first occurs), he will have been in service as an employee in not less than twelve calendar months and, if such thirty calendar months do not immediately precede such month, he will not have been engaged in any regular employment other than employment for an employer in the period before such month and after the end of such thirty months. For the purposes of section 5 only, an individual shall be deemed also to have a 'current connection with the railroad industry' if he is in all other respects completely insured but would not be fully insured under the Social Security Act, or if he is in all other respects partially insured but would be neither fully nor currently insured under the Social Security Act. or if he has no wage quarters of coverage."

SEC. 204. A new subsection is added to section 1 as follows:

"(o) The terms 'quarter' and 'calendar quarter' shall mean a period of three calendar months ending on March 31, June 30, September 30, or December 31."

SEC. 205. Section 2 (a) is amended by substituting for

all that portion of the subsection after the first numbered paragraph the following:

"2. Women who will have attained the age of sixty and will have completed thirty years of service.

"3. Individuals who will have attained the age of sixty and will have completed thirty years of service, but the annuity of such an individual shall be reduced by one one-hundred-and-eightieth for each calendar month that he is under age sixty-five when his annuity begins to accrue.

"4. Individuals having a current connection with the railroad industry, and whose permanent physical or mental condition is such as to be disabling for work in their regular occupation, and who (i) will have completed twenty years of service or (ii) will have attained the age of sixty. The Board, with the cooperation of employers and employees, shall secure the establishment of standards determining the physical and mental conditions which permanently disqualify employees for work in the several occupations in the railroad industry, and the Board, employers, and employees shall cooperate in the promotion of the greatest practicable degree of uniformity in the standards applied by the several employers. An individual's condition shall be deemed to be disabling for work in his regular occupation if he will have been disqualified by his employer because of disability

for service in his regular occupation in accordance with the applicable standards so established; if the employee will not have been so disqualified by his employer, the Board shall determine whether his condition is disabling for work in his regular occupation in accordance with the standards generally established; and, if the employee's regular occupation is not one with respect to which standards will have been established, the standards relating to a reasonably comparable occupation shall be used. If there is no such comparable occupation, the Board shall determine whether the employee's condition is disabling for work in his regular occupation by determining whether under the practices generally prevailing in industries in which such occupation exists such condition is a permanent disqualification for work in such occupation. For the purposes of this section, an employee's 'regular occupation' shall be deemed to be the occupation in which he will have been engaged in more calendar months than the calendar months in which he will have been engaged in any other occupation during the last preceding five calendar years, whether or not consecutive, in each of which years he will have earned wages or salary, except that, if an employee establishes that during the last fifteen consecutive calendar years he will have been engaged in another occupation in one-half or more of all the months in which

he will have earned wages or salary, he may claim such other occupation as his regular occupation; or

"5. Individuals whose permanent physical or mental condition is such that they are unable to engage in any regular employment and who (i) have completed ten years of service, or (ii) have attained the age of sixty.

"Such satisfactory proof shall be made from time to time as prescribed by the Board, of the disability provided for in paragraph 4 or 5 and of the continuance of such disability (according to the standards applied in the establishment of such disability) until the employee attains the age of sixty-five. If the individual fails to comply with the requirements prescribed by the Board as to proof of the continuance of the disability until he attains the age of sixty-five years, his right to an annuity by reason of such disability shall, except for good cause shown to the Board, cease, but without prejudice to his rights to any subsequent annuity to which he may be entitled. If before attaining the age of sixty-five an employee in receipt of an annuity under paragraph 4 or 5 is found by the Board to be no longer disabled as provided in said paragraphs his annuity shall cease upon the last day of the month in which he ceases to be so disabled. An employee, in receipt of such annuity, who earns more than $75 in service for hire, or in self-

employment, in each of any six consecutive calendar months, shall be deemed to cease to be so disabled in the last of such six months; and such employee shall report to the Board immediately all such service for hire, or such self-employment. If after cessation of his disability annuity the employee will have acquired additional years of service, such additional years of service may be credited to him with the same effect as if no annuity had previously been awarded to him."

SEC. 206. Section 2 (b) is amended by substituting for "2 (b)" and "3" the numbers "4" and "5", respectively.

SEC. 207. Section 3 (b) (4) is amended by substituting for the portion of the sentence following "June 30, 1937" the following: "and after the end of the calendar year in which the individual attains the age of sixty-five".

SEC. 208. Section 3 (c) is amended by substituting the phrase "paid to an employee with respect to" for the phrase "earned by an employee in".

SEC. 209. Section 3 (c) is further amended by substituting for that portion of the subsection following the phrase "and (2)" the following: "the amount of compensation paid or attributable as paid to him with respect to each month of service before September 1941 as a station employee whose duties consisted of or included the carrying of passengers' hand baggage and otherwise assisting passengers

at passenger stations and whose remuneration for service to the employer was, in whole or in substantial part, in the form of tips, shall be the monthly average of the compensation paid to him as a station employee in his months of service in the period September 1940–August 1941: *Provided, however*, That where service in the period 1924–1931 in the one case, or in the period September 1940–August 1941 in the other case, is, in the judgment of the Board, insufficient to constitute a fair and equitable basis for determining the amount of compensation paid or attributable as paid to him in each month of service before 1937, or September 1941, respectively, the Board shall determine the amount of such compensation for each such month in such manner as in its judgment shall be fair and equitable. In computing the monthly compensation, no part of any month's compensation in excess of $300 earned before 1946, and no compensation for the months of service in a calendar year after 1945 in excess of $300 multiplied by the number of months of service in such calendar year shall be recognized."

SEC. 210. Section 3 (e) is amended to read as follows:

"(e) In the case of an individual having a current connection with the railroad industry and not less than five years of service, the minimum annuity payable shall, before any reduction pursuant to subsection 2 (a) (3), be whichever of the following is the least: (1) $3 multiplied by the num-

ber of his years of service; or (2) $50; or (3) his monthly compensation."

SEC. 211. Section 3 (f) is amended to read as follows:

"Annuity payments which will have become due an individual but will not yet have been paid at death shall be paid to the same individual or individuals who, in the event that a lump sum will have become payable pursuant to section 5 hereof upon such death, would be entitled to receive such lump sum, in the same manner as, and subject to the same limitations under which, such lump sum would be paid, except that, as determined by the Board, first, brothers and sisters of the deceased, and if there are none such, then grandchildren of the deceased, if living on the date of the determination, shall be entitled to receive payment prior to any payment being made for reimbursement of burial expenses. If there be no individual to whom payment can thus be made, such annuity payments shall escheat to the credit of the Railroad Retirement Account."

SEC. 212. Section 4 is repealed, section 3A is renumbered as section 4, subsections (h) and (m) of said section are repealed, and all references to section "3A" are changed to "4".

SEC. 213. The heading preceding section 5, and section 5 are amended to read as follows:

"ANNUITIES AND LUMP SUMS FOR SURVIVORS

"SEC. 5. (a) WIDOW'S INSURANCE ANNUITY.—A widow of a completely insured employee, who will have attained the age of sixty-five, shall be entitled during the remainder of her life or, if she remarries, then until remarriage to an annuity for each month equal to three-fourths of such employee's basic amount.

"(b) WIDOW'S CURRENT INSURANCE ANNUITY.—A widow of a completely or partially insured employee, who is not entitled to an annuity under subsection (a) and who at the time of filing an application for an annuity under this subsection will have in her care a child of such employee entitled to receive an annuity under subsection (c) shall be entitled to an annuity for each month equal to three-fourths of the employee's basic amount. Such annuity shall cease upon her death, upon her remarriage, when she becomes entitled to an annuity under subsection (a), or when no child of the deceased employee is entitled to receive an annuity under subsection (c), whichever occurs first.

"(c) CHILD'S INSURANCE ANNUITY.—Every child of an employee who will have died completely or partially insured shall be entitled, for so long as such child lives and meets the qualifications set forth in paragraph (1) of sub-

section (l), to an annuity for each month equal to one-half of the employee's basic amount.

"(d) PARENT'S INSURANCE ANNUITY.—Each parent, sixty-five years of age or over, of a completely insured employee, who will have died leaving no widow and no child, shall be entitled, for life, or, if such parent remarries after the employee's death, then until such remarriage, to an annuity for each month equal to one-half of the employee's basic amount.

"(e) When there is more than one employee with respect to whose death a parent or child is entitled to an annuity for a month, such annuity shall be one-half of whichever employee's basic amount is greatest.

"(f) LUMP-SUM PAYMENT.—Upon the death, on or after January 1, 1946, of a completely or partially insured employee who will have died leaving no widow, child, or parent who would on proper application therefor be entitled to receive an annuity under this section for the month in which such death occurred, there shall be paid a lump sum of eight times the employee's basic amount to the following person (or if more than one there shall be distributed among them) whose relationship to the deceased employee will have been determined by the Board, and who will have been living on the date of such determination: to the widow or widower of the deceased; or, if no such widow or widower

be then living, to any child or children of the deceased and to any other person or persons who, under the intestacy law of the State where the deceased will have been domiciled, will have been entitled to share as distributees with such children of the deceased, in such proportions as is provided by such law; or, if no widow or widower and no such child and no such other person be then living, to the parent or parents of the deceased, in equal shares. A person who is entitled to share as distributee with an above-named relative of the deceased shall not be precluded from receiving a payment under this subsection by reason of the fact that no such named relative will have survived the deceased or of the fact that no such named relative of the deceased will have been living on the date of such determination. If none of the persons described in this subsection be living on the date of such determination, such amount shall be paid to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of burial of the deceased. If a lump sum would be payable to a widow, child, or parent under this subsection except for the fact that a survivor will have been entitled to receive an annuity for the month in which the employee will have died, but within one year after the employee's death there will not have accrued to survivors of the employee, by reason of his death annuities

which, after all deductions pursuant to paragraph (1) of subsection (i) will have been made, are equal to such lump sum, a payment to any then surviving widow, children, or parents shall nevertheless be made under this subsection equal to the amount by which such lump sum exceeds such annuities so accrued after such deductions. No payment shall be made to any person under this subsection, unless application therefor shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of two years after the date of death of the deceased employee, except that if the deceased employee is a person to whom section 2 of the Act of March 7, 1942 (56 Stat. 143, 144), is applicable such two years shall run from the date on which the deceased employee, pursuant to said Act, is determined to be dead, and for all other purposes of this section such employee, so long as it does not appear that he is in fact alive, shall be deemed to have died on the date determined pursuant to said Act to be the date or presumptive date of death.

"(g) CORRELATION OF PAYMENTS.—(1) An individual, entitled on applying therefor to receive for a month before January 1, 1946, an insurance benefit under the Social Security Act on the basis of an employee's wages, which benefit is greater in amount than would be an annuity for such individual under this section with respect to the

death of such employee, shall not be entitled to such annuity. An individual, entitled on applying therefor to any annuity or lump sum under this section with respect to the death of an employee, shall not be entitled to a lump-sum death payment or, for a month beginning on or after January 1, 1946, to any insurance benefits under the Social Security Act on the basis of the wages of the same employee.

"(2) A widow or child, otherwise entitled to an annuity under this section, shall be entitled only to that part of such annuity for a month which exceeds the total of any retirement annuity, and insurance benefit under the Social Security Act to which such widow or child would be entitled for such month on proper application therefor. A parent, otherwise entitled to an annuity under this section, shall be entitled only to that part of such annuity for a month which exceeds the total of any other annuity under this section, retirement annuity, and insurance benefit under the Social Security Act to which such parent would be entitled for such month on proper application therefor.

"(h) MAXIMUM AND MINIMUM ANNUITY TOTALS.—Whenever according to the provisions of this section as to annuities, payable for a month with respect to the death of an employee, the total of annuities is more than $20 and exceeds either (a) $120, or (b) an amount equal to twice such employee's basic amount, or with respect to employees

other than those who will have been completely insured solely by virtue of subsection (l) (7) (iii), such total exceeds (c) an amount equal to 80 per centum of his average monthly remuneration, whichever of such amounts is least, such total of annuities shall, prior to any deductions under subsection (i), be reduced to such least amount or to $20, whichever is greater. Whenever such total of annuities is less than $10, such total shall, prior to any deductions under subsection (i), be increased to $10.

"(i) DEDUCTIONS FROM ANNUITIES.—(1) Deductions shall be made from any payments under this section to which an individual is entitled, until the total of such deductions equals such individual's annuity or annuities under this section for any month in which such individual—

"(i) will have rendered compensated service within or without the United States to an employer;

"(ii) will have rendered service for wages of not less than $25;

"(iii) if a child under eighteen and over sixteen years of age, will have failed to attend school regularly and the Board finds that attendance will have been feasible; or

"(iv) if a widow otherwise entitled to an annuity under subsection (b) will not have had in her care a

child of the deceased employee entitled to receive an annuity under subsection (c);

"(2) The total of deductions for all events described in paragraph (1) occurring in the same month shall be limited to the amount of such individual's annuity or annuities for that month. Such individual (or anyone in receipt of an annuity in his behalf) shall report to the Board the occurrence of any event described in paragraph (1).

"(3) Deductions shall also be made from any payments under this section with respect to the death of an employee until such deductions total—

"(i) any death benefit, paid with respect to the death of such employee, under sections 5 of the Retirement Acts (other than a survivor annuity pursuant to an election);

"(ii) any lump sum paid, with respect to the death of such employee, under title II of the Social Security Act, or under section 203 of the Social Security Act in force prior to the date of the Social Security Act Amendments of 1939;

"(iii) any lump sum paid to such employee under section 204 of the Social Security Act in force prior to the date of the enactment of the Social Security Act Amendments of 1939, provided such lump sum will

not previously have been deducted from any insurance benefit paid under the Social Security Act; and

"(iv) an amount equal to 1 per centum of any wages paid to such employee for services performed in 1939, and subsequent to his attaining age sixty-five, with respect to which the taxes imposed by section 1400 of the Internal Revenue Code will not have been deducted by his employer from his wages or paid by such employer, provided such amount will not previously have been deducted from any insurance benefit paid under the Social Security Act.

"(4) The deductions provided in this subsection shall be made in such amounts and at such time or times as the Board shall determine. Decreases or increases in the total of annuities payable for a month with respect to the death of an employee shall be equally apportioned among all annuities in such total. An annuity under this section which is not in excess of $5 may, in the discretion of the Board, be paid in a lump sum equal to its commuted value as the Board shall determine.

"(j) WHEN ANNUITIES BEGIN AND END.—No individual shall be entitled to receive an annuity under this section for any month before January 1, 1946. An application for any payment under this section shall be made and filed in such manner and form as the Board prescribes. An

annuity under this section for an individual otherwise entitled thereto shall begin with the month in which such individual filed an application for such annuity: *Provided*, That such individual's annuity shall begin with the first month for which he will otherwise have been entitled to receive such annuity if he files such application prior to the end of the third month immediately succeeding such month. No application for an annuity under this section filed prior to three months before the first month for which the applicant becomes otherwise entitled to receive such annuity shall be accepted. No annuity shall be payable for the month in which the recipient thereof ceases to be qualified therefor.

"(k) PROVISIONS FOR CREDITING RAILROAD INDUSTRY SERVICE UNDER THE SOCIAL SECURITY ACT IN CERTAIN CASES.—(1) For the purpose of determining insurance benefits under title II of the Social Security Act which would begin to accrue on or after January 1, 1946, to a widow, parent, or surviving child, and with respect to lump-sum death payments under such title payable in relation to a death occurring on or after such date, section 15 of the Railroad Retirement Act of 1935, section 209 (b) (9) of the Social Security Act, and section 17 of this Act shall not operate to exclude from 'employment', under title II of the Social Security Act, service which would otherwise be included in such

'employment' but for such sections. For such purpose, compensation paid in a calendar year shall, in the absence of evidence to the contrary, be presumed to have been paid in equal proportions with respect to all months in the year in which the employee will have been in services as an employee.

"(2) Not later than January 1, 1950, the Board and the Social Security Board shall make a special joint report to the President to be submitted to Congress setting forth the experience of the Board in crediting wages toward awards, and the experience of the Social Security Board in crediting compensation toward awards, and their recommendations for such legislative changes as are deemed advisable for equitable distribution of the financial burden of such awards between the retirement account and the Federal Old-Age and Survivors Insurance Trust Fund.

"(3) The Board and the Social Security Board shall, upon request, supply each other with certified reports of records of compensation or wages and periods of service and of other records in their possession or which they may secure, pertinent to the administration of this section or title II of the Social Security Act as affected by paragraph (1). Such certified reports shall be conclusive in adjudication as to the matters covered therein: *Provided,* That if either board receives evidence inconsistent with a certified report and the application involved is still in course of adjudication or

otherwise open for such evidence, such recertification of such report shall be made as, in the judgment of the board which made the original certification, the evidence warrants. Such recertification and any subsequent recertification shall be treated in the same manner and be subject to the same conditions as an original certification.

"(l) DEFINITIONS.—For the purposes of this section the term 'employee' includes an individual who will have been an 'employee', and—

"(1) The qualifications for 'widow', 'child', and 'parent' shall be, except for the purposes of subsection (f), those set forth in section 209 (j) and (k), and section 202 (f) (3) of the Social Security Act, respectively; and in addition—

"(i) a 'widow' shall have been living with her husband employee at the time of his death;

"(ii) a 'child' shall have been dependent upon its parent employee at the time of his death; shall not be adopted after such death; shall be unmarried; and less than eighteen years of age; and

"(iii) a 'parent' shall have been wholly dependent upon and supported at the time of his death by the employee to whom the relationship of 'parent' is claimed; and shall have filed proof of such dependency and support within two years after such date of death, or within six months after January 1, 1946.

A 'widow' or a 'child' shall be deemed to have been so living with a husband or so dependent upon a parent if the conditions set forth in section 209 (n) or section 202 (c) (3) or (4) of the Social Security Act, respectively, are fulfilled. In determining whether an applicant is the wife, widow, child, or parent of an employee as claimed, the rules set forth in section 209 (m) of the Social Security Act shall be applied;

"(2) The term 'retirement annuity' shall mean an annuity under section 2 awarded before or after its amendment but not including an annuity to a survivor pursuant to an election of a joint and survivor annuity; and the term 'pension' shall mean a pension under section 6;

"(3) The term 'quarter of coverage' shall mean a compensation quarter of coverage or a wage quarter of coverage, and the term 'quarters of coverage' shall mean compensation quarters of coverage, or wage quarters of coverage, or both: *Provided*, That there shall be for a single employee no more than four quarters of coverage for a single calendar year;

"(4) The term 'compensation quarter of coverage' shall mean any quarter of coverage computed with respect to compensation paid to an employee after 1936 in accordance with the following table:

Months of service in a calendar year	Total compensation paid in the calendar year				
	Less than $50	$50 but less than $100	$100 but less than $150	$150 but less than $200	$200 or more
1–3	0	1	1	1	1
4–6	0	1	2	2	2
7–9	0	1	2	3	3
10–12	0	1	2	3	4

"(5) The term 'wage quarter of coverage' shall mean any quarter of coverage determined in accordance with the provisions of title II of the Social Security Act;

"(6) The term 'wages' shall mean wages as defined in section 209 (a) of the Social Security Act;

"(7) An employee will have been 'completely insured' if it appears to the satisfaction of the Board that at the time of his death, whether before or after the enactment of this section, he will have had the qualifications set forth in any one of the following paragraphs:

"(i) a current connection with the railroad industry; and a number of quarters of coverage, not less than six, and at least equal to one-half of the number of quarters, elapsing in the period after 1936, or after the quarter in which he will have attained the age of twenty-one, whichever is later, and up to but excluding the quarter in which he will have attained the age of sixty-five years or died, whichever will first have occurred

(excluding from the elapsed quarters any quarter during any part of which a retirement annuity will have been payable to him) ; and if the number of such elapsed quarters is an odd number such number shall be reduced by one; or

"(ii) a current connection with the railroad industry; and forty or more quarters of coverage; or

"(iii) a pension will have been payable to him; or a retirement annuity based on service of not less than ten years (as computed in awarding the annuity) will have begun to accrue to him before 1947;

"(8) An employee will have been 'partially insured' if it appears to the satisfaction of the Board that at the time of his death, whether before or after the enactment of this section, he will have had (i) a current connection with the railroad industry; and (ii) six or more quarters of coverage in the period beginning with the third calendar year next preceding the year in which he will have died and ending with the quarter next preceding the quarter in which he will have died;

"(9) An employee's 'average monthly remuneration' shall mean the quotient obtained by dividing (A) the sum of the compensation and wages paid to him after 1936 and before the quarter in which he will have died, eliminating for any single calendar year, from compensation, any excess

over $300 multiplied by the number of months he will have been in service as an employee, and from the sum of wages and compensation any excess over $3,000, by (B) three times the number of quarters elapsing after 1936 and before the quarter in which he will have died: *Provided*, That for the period prior to and including the calendar year in which he will have attained the age of twenty-two there shall be included in the divisor not more than three times the number of quarters of coverage in such period: *Provided further*, That there shall be excluded from the divisor any calendar quarter during any part of which a retirement annuity will have been payable to him.

"With respect to an employee who will have been awarded a retirement annuity, the term 'compensation' shall, for the purposes of this paragraph, mean the compensation on which such annuity will have been based;

"(10) The term 'basic amount' shall mean—

"(i) for an employee who will have been partially insured, or completely insured solely by virtue of paragraph (7) (i) or (7) (ii) or both: the sum of (A) 40 per centum of his average monthly remuneration, up to and including $75, plus (B) 10 per centum of such average monthly remuneration exceeding $75 and up to and including $250, plus (C) 1 per centum of the sum of (A) plus (B) multiplied by the number of years

after 1936 in each of which the compensation, wages, or both, paid to him will have been equal to $200 or more; if the basic amount, thus computed, is less than $10 it shall be increased to $10;

"(ii) for an employee who will have been completely insured solely by virtue of paragraph (7) (iii): the sum of 40 per centum of his monthly compensation if an annuity will have been payable to him, or, if a pension will have been payable to him, 40 per centum of the average monthly earnings on which such pension was computed, up to and including $75, plus 10 per centum of such compensation or earnings exceeding $75 and up to and including $250. If the average monthly earnings on which a pension payable to him was computed are not ascertainable from the records in the possession of the Board, the amount computed under this subdivision shall be $33.33, except that if the pension payable to him was less than $25, such amount shall be four-thirds of the amount of the pension or $13.33, whichever is greater. The term 'monthly compensation' shall, for the purposes of this subdivision, mean the monthly compensation used in computing the annuity;

"(iii) for an employee who will have been completely insured under paragraph (7) (iii) and either

(7) (i) or (7) (ii): the higher of the two amounts computed in accordance with subdivisions (i) and (ii)."

SEC. 214. Section 8 is amended by striking out the word "monthly" each time it appears; by substituting for the phrase "Any such return" the phrase "The Board's record of the compensation so returned"; by substituting for the phrases "earned by" and "be earned by" the phrases "paid to" and "will have been paid to", respectively; by inserting after the phrase "the fact that" the phrase "the Board's records show that"; and by substituting for the terms "month" and "calendar month" the word "period".

SEC. 215. Section 11 is amended to read as follows:

"Decisions of the Board determining the rights or liabilities of any person under this Act shall be subject to judicial review in the same manner, subject to the same limitations, and all provisions of law shall apply in the same manner as though the decision were a determination of corresponding rights or liabilities under the Railroad Unemployment Insurance Act except that the time within which proceedings for the review of a decision with respect to an annuity, pension, or lump-sum benefit may be commenced shall be one year after the decision will have been entered upon the records of the Board and communicated to the claimant."

SEC. 216. Section 17 is amended by substituting "209" for "210"; by inserting after the word "Act," the phrase

"and of section 1426 of the Internal Revenue Code"; and by inserting after the word "include" the following: "service determined pursuant to the provisions of this Act to be".

DIVISION III

The Railroad Unemployment Insurance Act is amended as follows:

SEC. 301. (a) Subsection 1 (h) is amended by inserting after the phrase "last preceding registration period" the phrase "which began with a day for which he registered at an employment office".

(b) Subsection 1 (h) is further amended by adding the following sentence:

"The term 'registration period' means also, with respect to any employee, the period which begins with the first day with respect to which a statement of sickness is filed in his behalf in accordance with such regulations as the Board may prescribe, or the first such day after the end of a registration period which will have begun with a day with respect to which a statement of sickness was filed in his behalf, and ends with the thirteenth day thereafter."

SEC. 302. Subsection 1 (j) is amended by substituting for the period at the end thereof a comma and adding "maternity insurance, or sickness insurance".

SEC. 303. The first paragraph of subsection 1 (k) is amended by inserting "(1)" after the phrase "section 4 of

this Act,", and by substituting for the colon before the phrase "*Provided, however,*" the following: "; and (2) a 'day of sickness', with respect to any employee, means a calendar day on which because of any physical, mental, psychological, or nervous injury, illness, sickness, or disease he is not able to work or which is included in a maternity period, and with respect to which (i) no remuneration is payable or accrues to him, and (ii) in accordance with such regulations as the Board may prescribe, a statement of sickness is filed within such reasonable period, not in excess of ten days, as the Board may prescribe:".

SEC. 304. Subsection 1 (l) is amended by substituting therefore the following:

"(l) The term 'benefits' (except in phrases clearly designating other payments) means the money payments payable to an employee as provided in this Act, with respect to his unemployment or sickness.

"(l–1) The term 'statement of sickness' means a statement with respect to days of sickness of an employee, and the term 'statement of maternity sickness' means a statement with respect to a maternity period of a female employee, in each case executed in such manner and form by an individual duly authorized pursuant to section 12 (i) to execute such statements, and filed as the Board may prescribe by regulations.

"(l-2) The term 'maternity period' means the period beginning fifty-seven days prior to the date stated by the doctor of a female employee to be the expected date of the birth of the employee's child and ending with the one hundred and fifteenth day after it begins or with the thirty-first day after the day of the birth of the child, whichever is later."

SEC. 305. (a) The first sentence of subsection 2 (a) is amended to read as follows: "Benefits shall be payable to any qualified employee (i) for each day of unemployment in excess of seven during the first registration period. within a benefit year, in which he will have had seven or more days of unemployment, and for each day of unemployment in excess of four during any subsequent registration period in the same benefit year, and (ii) for each day of sickness (other than a day of sickness in a maternity period) in excess of seven during the first registration period, within a benefit year, in which he will have had seven or more such days of sickness, and for each such day of sickness in excess of four during any subsequent registration period in the same benefit year, and (iii) for each day of sickness in a maternity period."

(b) Subsection 2 (a) is futher amended by inserting after the word "unemployment" in the second sentence the words "or sickness", by changing the phrase "the total

amount of compensation payable to him with respect to employment" to "his total compensation (not in excess of $300 multiplied by the number of calendar months in which the employee will have had employment)", by substituting the following lines for the last line of the table:

"$1,600 to $1,999.99	$4.00
$2,000 to $2,499.99	4.50
$2,500 and over	5.00"

and by adding to the subsection, after the table, the following paragraphs:

"The amount of benefits payable for the first fourteen days in each maternity period, and for the first fourteen days in a maternity period after the birth of the child, shall be one and one-half times the amount otherwise payable under this subsection. Benefits shall not be paid for more than eighty-four days of sickness in a maternity period prior to the birth of the child. Qualification for and rate of benefits for days of sickness in a maternity period shall not be affected by the expiration of the benefit year in which the maternity period will have begun unless in such benefit year the employee will not have been a qualified employee.

"In computing benefits to be paid, days of unemployment shall not be combined with days of sickness in the same registration period."

SEC. 306. Subsection 2 (c) is amended by substituting for "one hundred" at the end thereof the following: "one

hundred and thirty, and the maximum number of days of sickness, other than days of sickness in a maternity period, within a benefit year for which benefits may be paid to an employee shall be one hundred and thirty".

SEC. 307. Subsection 2 (f) is amended by inserting after the word "unemployment" each time it appears the words "or sickness".

SEC. 308. Section 3 is amended by changing the phrase "there was payable to him compensation of" to "his compensation will have been".

SEC. 309. (a) Section 4 (a) is amended by redesignating it section 4 (a–1), by including therein only paragraphs (iv) to (vii), inclusive, by redesignating said paragraphs as (i) through (iv), by inserting after the phrase "day of unemployment," in the first clause thereof the phrase "or as a day of sickness,", and by changing the semicolon at the end thereof to a period.

(b) Section 4 (a–1) is further amended by changing paragraph (ii) thereof to read as follows:

"(ii) any day in any period with respect to which the Board finds that he is receiving or will have received annuity payments or pensions under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, or insurance benefits under title II of the Social Security Act, or unemployment, maternity, or sickness

benefits under an unemployment, maternity, or sickness compensation law of any State or of the United States other than this Act, or any other social-insurance payments under a law of any State or of the United States: *Provided*, That if an employee receives or is held entitled to receive any such payments, other than unemployment, maternity, or sickness payments, with respect to any period which include days of unemployment or sickness in a registration period, after benefits under this Act for such registration period will have been paid, the amount by which such benefits under this Act will have been increased by including such days as days of unemployment or as days of sickness shall be recoverable by the Board: *Provided further*, That, if that part of any such payment or payments, other than unemployment, maternity, or sickness payments, which is apportionable to such days of unemployment or days of sickness is less in amount than the benefits under this Act which, but for this paragraph, would be payable and not recoverable with respect to such days of unemployment or days of sickness, the preceding provisions of this paragraph shall not apply but such benefits under this Act for such days of unemployment or days of sickness shall be diminished or recoverable in the amount of such part of such other payment or payments;".

(c) Section 4 is further amended by inserting after subsection (a–1) a subsection to be designated (a–2), in the following language: "There shall not be considered as a day of unemployment, with respect to any employee——", by including in subsection (a–2) paragraphs (i), (ii), (iii), and (viii) of subsection 4 (a) as it existed prior to its amendment by this Act, and by redesignating said paragraph (viii) as paragraph (iv).

SEC. 310. Subsections 4 (b) through 4 (e) are amended by substituting for the references to "4 (a) (i)", "4 (a) (ii)", and "4 (a) (iii)", references to "4 (a–2) (i)", "4 (a–2) (ii)", and "4 (a–2) (iii)", respectively.

SEC. 311. (a) The first paragraph of subsection 5 (c) is amended by striking out the phrase "district board" at the end of the first sentence thereof and substituting "referee or such other reviewing body as the Board may establish or assign thereto", and by striking out the balance thereof.

(b) The third paragraph of subsection 5 (c) is amended by deleting the phrase "does not comply with the provisions of this Act and", and by inserting between the second and third sentences thereof the following:

"The Board may also designate one of its officers or employees to receive evidence and report to the Board whether or not any person or company is entitled to a refund of contributions or should be required to pay contributions

under this Act, regardless of whether or not any claims for benefits will have been filed upon the basis of service in the employ of such person or company, and shall follow such procedure if contributions are assessed and payment is refused or payment is made and a refund claimed upon the basis that such person or company is or will not have been liable for such contributions."

Subsection 5 (c) is further amended by adding the following paragraph:

"Any issue determinable pursuant to this subsection and subsection (f) of this section shall not be determined in any manner other than pursuant to this subsection and subsection (f)."

SEC. 312. Subsection 5 (d) is amended by substituting for the phrase "district boards" the words "reviewing bodies", and by striking out the phrase "a district board or of" each time is appears.

SEC. 313. Subsection 5 (e) is amended by deleting the phrases "upon a claim for benefits," and "allowing or denying benefits", and by changing the word "claimant" to "parties".

SEC. 314. The first sentence of subsection 5 (f) is amended to read as follows:

"Any claimant, or any railway labor organization organized in accordance with the provisions of the Railway

Labor Act, of which claimant is a member, or any other party aggrieved by a final decision under subsection (c) of this section, may, only after all administrative remedies within the Board will have been availed of and exhausted, obtain a review of any final decision of the Board by filing a petition for review within ninety days after the mailing of notice of such decision to the claimant or other party, or within such further time as the Board may allow, in the United States circuit court of appeals for the circuit in which the claimant or other party resides or will have had his principal place of business or principal executive office, or in the United States Circuit Court of Appeals for the Seventh Circuit or in the Court of Appeals for the District of Columbia."

SEC. 315. Subsection 5 (g) is amended by substituting for the phrase "benefits or refund and" the words "benefits or refund, the determination of any other matter pursuant to subsection (c) of this section, and".

SEC. 316. Subsection 5 (i) is amended by inserting after the word "claimant" each time it appears the words "or other properly interested person", and by inserting after the phrase "counsel or agent" the words "for a claimant".

SEC. 317. Section 6 is amended by substituting for the phrase "earned by", each time it appears, and for the

phrase "be earned by", the phrases "paid to" and "have been paid to", respectively.

SEC. 318. Subsection 8 (a) is amended by changing the phrases "$300 for any calendar month" and "$300" to "$300 multiplied by the number of calendar months in the calendar year in which the employee will have had employment"; by changing the word "payable" to "paid" wherever it appears; and by substituting for the portion of the subsection beginning with the words "month, and each such" and continuing to the end of the subsection, the following: "year, and each employer other than a subordinate unit of a national-railway-labor-organization employer shall be liable for that proportion of the contribution which the compensation paid by him to the employee bears to the total compensation paid to the employee by all such employers; and in the event that the compensation paid by such employers to the employee is less than $300 multiplied by the number of calendar months in such year in which the employee will have had employment each subordinate-unit-railway-labor-organization employer shall be liable for such proportion of any additional contribution as the compensation paid by such employer bears to the compensation paid by all such employers."

SEC. 319. Subsection 12 (b) is amended by inserting

after the phrase "being carried on in the District of Columbia," the phrase "or the District Court of the United States for the Northern District of Illinois, if the investigation or proceeding is being carried on in the Northern District of Illinois,"; and by inserting before the phrase "in such proceedings may run" the phrase "or of the District Court of the United States for the Northern District of Illinois".

SEC. 320. Subsection 12 (f) is amended by changing the phrases "unemployment-compensation laws", "unemployment benefits", and "unemployment-compensation law" to "unemployment-compensation, sickness, or maternity laws", "unemployment, sickness, or maternity benefits", and "unemployment-compensation, sickness, or maternity law", respectively.

SEC. 321. Subsection 12 (g) is amended by inserting after the word "unemployment", each time it appears, the phrase ", sickness, or maternity", and by striking out the phrase ", with respect to unemployment after June 30, 1939,".

SEC. 322. Subsection 12 (i) is amended by inserting the following paragraph between the second and third paragraphs thereof:

"The Board shall provide a form or forms for statements of sickness and a procedure for the execution and filing thereof. Such forms and procedure shall be designed with

a view to having such statements provide substantial evidence of the days of sickness of the employee and, in the case of maternity sickness, the expected date of birth and the actual date of birth of the child. Such statements may be executed by any doctor (authorized to practice in the State or foreign jurisdiction in which he practices his profession) or any officer or supervisory employee of a hospital, clinic, group health association, or other similar organization, who is qualified under such regulations as the Board may prescribe to execute such statements. The Board shall issue regulations for the qualification of such persons to execute such statements. When so executed by any such person, or, in the discretion of the Board, by others designated by the Board individually or by groups, they may be accepted as initial proof of days of sickness sufficient to certify for payment a claim for benefits."

SEC. 323. Section 12 is further amended by adding thereto the following subsections:

"(n) Any employee claiming, entitled to, or receiving sickness benefits under this Act may be required to take such examination, physical, medical, mental, or otherwise, in such manner and at such times and by such qualified individuals, including medical officers or employees of the United States or a State, as the Board may prescribe. The place or places of examination shall be reasonably convenient for the em-

ployee. No sickness or maternity benefits shall be payable under this Act with respect to any period during which the employee unreasonably refuses to take or willfully obstructs an examination as prescribed by the Board.

"Any doctor who renders any attendance, treatment, attention, or care, or performs any examination with respect to a sickness of an employee or as to the expected date of birth of a female employee's child, or the birth of such a child, upon which a claim or right to benefits under this Act is based, shall furnish the Board, in such manner and form and at such times as the Board by regulations may prescribe, information and reports relative thereto and to the condition of the employee. An application for sickness or maternity benefits under this Act shall contain a waiver of any doctor-patient privilege that the employee may have with respect to any sickness or maternity period upon which such application is based: *Provided*, That such information shall not be disclosed by the Board except in a court proceeding relating to any claim for benefits by the employee under this Act.

"The Board may enter into agreements or arrangements with doctors, hospitals, clinics, or other persons for securing the examination, physical, medical, mental, or otherwise, of employees claiming, entitled to, or receiving sickness or maternity benefits under this Act and the performance of services or the use of facilities in connection with the execu-

tion of statements of sickness. The Board may compensate any such doctors, hospitals, clinics, or other persons upon such reasonable basis as the Board shall prescribe. Such doctors, hospitals, clinics, or other persons and persons employed by any of them shall not be subject to the Act of Congress approved March 3, 1917 (39 Stat. 1106, ch. 163, sec. 1). In the event that the Board pays for the physical or mental examination of an employee or for the execution of a statement of sickness and such employee's claim for benefits is based upon such examination or statement, the Board shall deduct from any sickness or maternity benefits payable to the employee pursuant to such claim such amount as, in the judgment of the Board, is a fair and reasonable charge for such examination or execution of such statement.

"(o) Benefits payable to an employee with respect to days of sickness shall be payable regardless of the liability of any person to pay damages for such infirmity. The Board shall be entitled to reimbursement from any sum or damages paid or payable to such employee or other person through suit, compromise, settlement, judgment, or otherwise on account of any liability (other than a liability under a health, sickness, accident, or similar insurance policy) based upon such infirmity, to the extent that it will have paid or will pay benefits for days of sickness resulting from such infirmity. Upon notice to the person against whom such right or claim

exists or is asserted, the Board shall have a lien upon such right or claim, any judgment obtained thereunder, and any sum or damages paid under such right or claim, to the extent of the amount to which the Board is entitled by way of reimbursement.

"(p) The Board may, after hearing, disqualify any person from executing statements of sickness who, the Board finds, (i) will have solicited, or will have employed another to solicit, for himself or for another the execution of any such statement, or (ii) will have made false or misleading statements to the Board, to any employer, or to any employee, in connection with the awarding of any benefits under this Act, or (iii) will have failed to submit medical reports and records required by the Board under this Act, or will have failed to submit any other reports, records, or information required by the Board in connection with the administration of this Act or any other Act heretofore or hereafter administered by the Board, or (iv) will have engaged in any malpractice or other professional misconduct. No fees or charges of any kind shall accrue to any such person from the Board after his disqualification.

"(q) The Board shall engage in and conduct research projects, investigations, and studies with respect to the cause, care, and prevention of, and benefits for, accidents and disabilities, and other subjects deemed by the Board to be

related thereto, and shall recommend legislation deemed advisable in the light of such research projects, investigations, and studies."

SEC. 324. Subsection 13 (b) is amended by inserting after "1939," in the first, second, and third sentences thereof, "and for the payment of sickness and maternity benefits for sickness or for maternity periods after June 30, 1946,", "or to sickness or maternity benefits under a sickness or maternity law of any State with respect to sickness or to maternity periods occurring after June 30, 1946,", and "or of State sickness or maternity laws after June 30, 1946", respectively.

DIVISION IV

SEC. 401. Except as otherwise provided in this Act, the provisions thereof shall become effective upon approval.

SEC. 402. Sections 203, 205, 206, 207, 210, 211, 213, 306, and 318 shall become effective on January 1, 1946.

SEC. 403. Sections 301, 302, 303, 304, 305 (except for the revision of the table which shall be effective July 1, 1945), 307, 308, 309, and 310 shall become effective on July 1, 1946.

SEC. 404. Except as hereinafter provided, the rights of persons to whom pensions or annuities were awarded before the date of approval of this Act shall continue to be governed by the provisions of law applicable thereto prior to the approval of this Act. In the award of annuities or

increases in annuities after the date of aproval of this Act on applications on which no award or a partial award has been made prior to said date, service prior to 1937 (and the compensation therefor) shall be credited only if such service is creditable under the amendments made by section 201. No annuity or increase in annuity so awarded crediting such service shall begin to accrue prior to the date of approval of this Act.

SEC. 405. The election of a joint and survivor annuity made before the date of approval of this Act by an individual to whom an annuity accrues before January 1, 1946, shall be given effect as though the provisions of law under which the election was made had continued to be operative unless no annuity was awarded to such individual prior to the date of approval of this Act and, within one year after the approval of this Act, he revokes the election in such form and manner as the Board may prescribe. Such election by an individual to whom no annuity accrues before January 1, 1946, shall also be given such effect if the individual, before January 1, 1947, reaffirms the election in such form and manner as the Board may prescribe.

SEC. 406. Payments upon death as provided in sections 5 of the Railroad Retirement Acts of 1935 and 1937, other than survivor annuities pursuant to an election, shall be made

only with respect to deaths occurring before January 1, 1946.

SEC. 407. An individual to whom an annuity accrued prior to January 1, 1946, and who would as of the date of initial accrual have been entitled to an annuity in a greater amount by reason of the amendments made by section 201, 202, 205, or 210 had such amendments been in effect at the date of initial accrual (or, in the case of a survivor annuity, at the date of initial accrual of the annuity from which it derives), shall, without further application therefor other than a statement of any service claimed under section 202, be awarded an annuity in such greater amount beginning as of the date the applicable amendment shall have become operative: *Provided, however,* That, in such award service before 1937 (and the compensation therefor) shall not be credited if such service would not be creditable upon application of all the amendments made by this Act. In determinations made pursuant to this section any individual to whom an annuity based on not less than five years of service accrues before January 1, 1946, shall be deemed to have a "current connection with the railroad industry". If an annuity increased pursuant to this section is a joint and survivor annuity, the increase shall be in the same form, the actuarial value being computed as of the date the

increase begins, unless on that date there is no spouse living for whom the election was made, in which case the increase shall be awarded on a single life basis. If the increase herein provided effects a survivor annuity only, the increase shall be so determined as to bear the same ratio to the survivor annuity, as the increase in the basic annuity would bear to such basic annuity, if the employee annuitant were living and had made no joint and survivor election.

SEC. 408. No annuities accruing after the month in which this Act is approved shall be reduced under section 2 (a) 3 of the Railroad Retirement Act of 1937 to compensate for an annuity terminated by recovery from disability.

SEC. 409. In the application of section 6 of the Railroad Retirement Act of 1937 with respect to persons who were not employers before the enactment of section 1 of this Act, the dates January 1, 1945, and January 1, 1946, shall be substituted for March 1, 1937, and July 1, 1937, respectively.

SEC. 410. The enactment of section 1 of this Act shall cause subsection 1 (b) of the Railroad Unemployment Insurance Act to be superseded.

79TH CONGRESS
1ST SESSION

S. 293

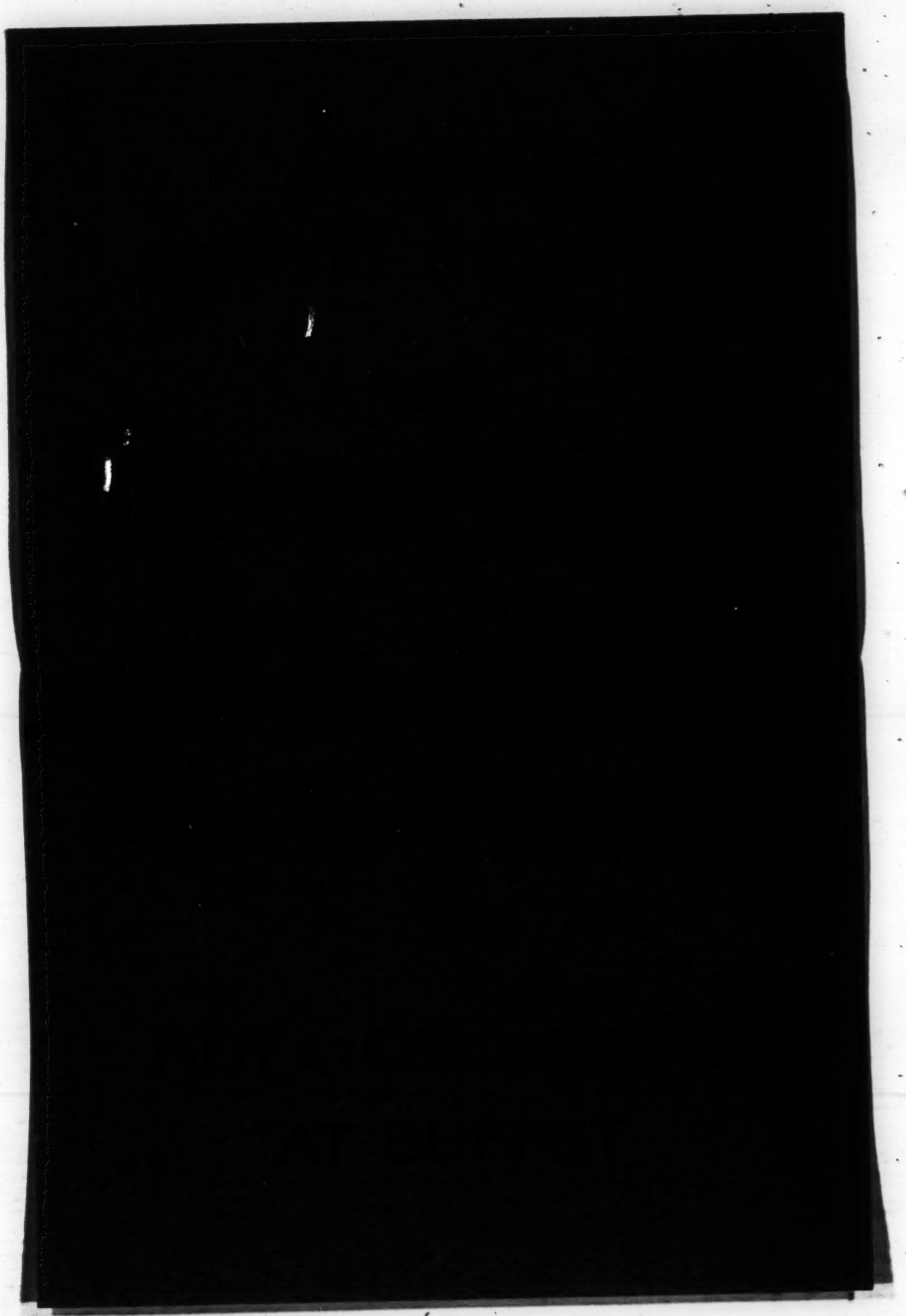
A BILL

To amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes.

By Mr. WAGNER and Mr. WHEELER

JANUARY 15, 1945

Read twice and referred to the Committee on Interstate Commerce



WESTERN UNION

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

To

Care of or Apt. No.

Street and No.

Place

Randolph:-

Please wire the receipt of these Amendments from St. Louis Thursday sure, so that I will know that it will not be necessary to have another copy sent to you to Philadelphia.

Church

Sender's name and address for identification

Sender's telephone number

COPY

Amendment to S. [illegible] establish a Fair Employment Practice Commission.

On page 6, after line 10, insert "(6) by preparing a comprehensive plan as provided in Section 4 thereof and enforcing the provisions of such plan."

On page 9, after line 19, insert the following:

"PREPARATION AND ENFORCEMENT OF COMPULSORY PLAN"

Sec. 6. In accordance with the provisions of paragraph (3) of Section 4, whenever the Commission finds that there is discrimination against any particular group by reason of race, creed, or color in any region or area or by any common carrier, it shall make a comprehensive study of such discrimination and of the best manner in which employment of persons in such group can be made adequate and nondiscriminatory. It may then prepare a comprehensive plan by which such employment would be increased in amount and improved in character so that there may no longer be such discrimination. Such plan may provide for additional employment throughout the area by increasing the number of persons of the group discriminated against to be employed by specified employers who employ more than 100 persons, by encouraging the formation of new enterprises to give increased employment, by requiring any labor union which is certified under the National Labor Relations Act as a representative of employees to admit to membership persons of the group discriminated against so that the rules of the union shall in no way prevent full employment opportunities for the members of such group, and by all other means which seem to the Commission helpful in securing the necessary result.

COPY

When such plan has been completed, it shall be publicly promulgated in the area affected and copies shall be sent to all persons directly affected thereby. Within sixty days thereafter, any person may file a protest with the Commission against the plan or against any special feature of the plan, and the Commission shall give hearings to those who file protests. After such hearings, the Commission shall further consider the plan and may proceed to adopt it as the official plan of the Commission, either in its original form or with such amendments as may result from the aforesaid hearings.

After such plan has been adopted, it shall be the duty of all persons affected thereby to put such plan into effect.

If, after six months, the Commission finds that there is any substantial failure to put such plan into effect and that discrimination still continues against any group or groups with regard to employment in such region or area or by such common carrier, the Commission may declare that it is necessary to proceed with a compulsory enforcement of such plan. Thereupon, the Commission may issue an order (1) to any employer who employs more than 100 persons, requiring such employer to provide employment forthwith for the number of persons belonging to the group discriminated against, as provided by the plan with due allowance for the total employment permitted by the then condition of his business, and (2) to any labor union which discriminated against members of such groups requiring such labor union to permit the admission of members of such group as members of such union, so that there may be no hindrance to their employment from the rules of such union. If the order is not promptly complied with, the Commission may apply

COPY

to the United States District Court for the enforcement thereof. The Court shall have jurisdiction to consider questions of fact and of law, questions relating to the reasonableness of the plan and the particular provision thereof sought to be enforced, and all other matters relating thereto. If the Court finds that the plan, and the provision sought to be enforced, is a reasonable method of preventing discrimination in the area or region or by the common carrier involved, it shall issue an injunction requiring compliance with the order of the Commission.

79TH CONGRESS
1ST SESSION

S. 459

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 1945

Mr. TAFT introduced the following bill; which was read twice and referred to the Committee on Education and Labor

A BILL

To establish a Fair Employment Practice Commission and to aid in eliminating discrimination in employment because of race, creed, or color.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Employment Practice Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

(a) That the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of race, creed, or color is contrary to the principles of freedom and equality of oppor-

tunity upon which this Nation is built, is incompatible with the provisions of the Constitution, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production and defense, and burdens, hinders, and obstructs commerce.

(b) That it is the policy of the United States to bring about the elimination of discrimination because of race, creed, or color in all employment relations which fall within the jurisdiction or control of the Federal Government.

FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 3. (a) There is hereby created a commission to be known as the Fair Employment Practice Commission (hereinafter referred to as the "Commission"), which shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Commission. Any member of the Commission may be re-

moved by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members of the Commission shall at all times constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) Each member of the Commission shall receive a salary at the rate of $10,000 a year, and shall not engage in any other business, vocation, or employment.

(e) When three members of the Commission have qualified and taken office, the Committee on Fair Employment Practice established by Executive Order Numbered 9346 of May 27, 1943, shall cease to exist. All employees of the said Committee shall then be transferred to and become employees of the Commission, and all records, papers, and property of the Committee shall then pass into the possession of the Commission.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents

or agencies as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States.

(g) The Commission shall have power—

(1) to appoint such officers and employees as it deems necessary to assist it in the performance of its functions;

(2) to cooperate with or utilize regional, State, local, and other agencies and to utilize voluntary and uncompensated services;

(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents or agencies the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) to issue, from time to time, such regulations as it deems necessary to regulate its own procedure and the appearance of persons before it, and to amend or rescind, from time to time, any such regulation whenever it deems such amendment or rescission necessary to carry out the provisions of this Act;

(5) to serve process or other papers of the Commission, either personally, by registered mail, or by leaving a copy at the principal office or place of business of the person to be served; and

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make the results of such studies available to interested Government and nongovernmental agencies.

DUTIES OF THE COMMISSION

SEC. 4. (a) It shall be the duty of the Commission to bring about the removal of discrimination in regard to hire, or tenure, terms, or conditions of employment, or union membership, because of race, creed, or color—

(1) by making comprehensive studies of such discrimination in different metropolitan districts and sections of the country and of the effect of such discrimination, and of the best methods of eliminating it;

(2) by formulating, in cooperation with other interested public and private agencies, comprehensive plans for the elimination of such discrimination, as rapidly as possible, in regions or areas where such discrimination is prevalent;

(3) by publishing and disseminating reports and other information relating to such discrimination and to ways and means for eliminating it;

(4) by conferring, cooperating with, and furnishing technical assistance to employers, labor unions, and other private and public agencies in formulating and

executing policies and programs for the elimination of such discrimination;

(5) by receiving and investigating complaints charging any such discrimination and by investigating other cases where it has reason to believe that any such discrimination is practiced; and

(6) by making specific and detailed recommendations to the interested parties in any such case as to ways and means for the elimination of any such discrimination.

(b) The Commission shall at the close of each fiscal year report to the Congress and to the President describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The Commission may make such other recommendations to the President or any Federal agency as it deems necessary or appropirate to effectuate the purposes and policies of this Act.

INVESTIGATORY POWERS

SEC. 5. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this Act, the Commission, or its authorized agents or agencies,

shall at all reasonable times have the right to examine or copy any evidence of any person relating to any such investigation, proceeding, or hearing.

(b) Any member of the Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, agent, or agency conducting such investigation, proceeding, or hearing.

(c) Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths, examine witnesses, receive evidence, and conduct investigations, proceedings, or hearings.

(d) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(e) In case of contumacy or refusal to obey a subpena issued to any person under this Act, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts

business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing; any failure to obey such order of the court may be punished by it as a contempt thereof.

(f) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

DISCRIMINATION IN EMPLOYMENT BY THE FEDERAL GOVERNMENT

SEC. 6. The Commission shall make a study and investigation of discrimination in regard to hire, or tenure, terms, or conditions of employment, in the departments and agencies of the Federal Government because of race, creed,

or color, and shall recommend to the Congress a specific plan to eliminate it and such legislation as it deems necessary to eliminate it.

WILLFUL INTERFERENCE WITH COMMISSION AGENTS

SEC. 7. Any person who shall willfully resist, impede, or interfere with, any member of the Commission or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

79TH CONGRESS
1ST SESSION

S. 459

A BILL

To establish a Fair Employment Practice Commission and to aid in eliminating discrimination in employment because of race, creed, or color.

By Mr. TAFT

FEBRUARY 5, 1945

Read twice and referred to the Committee on Education and Labor

HEARINGS

before the

SENATE SUB-COMMITTEE ON EDUCATION AND LABOR

March 18, 1948

STATEMENT OF GEORGE K. HUNTON, SECRETARY OF THE CATHOLIC INTERRACIAL COUNCIL OF NEW YORK, AND EDITOR OF "INTERRACIAL REVIEW."

For more than 25 years I have been deeply interested in the social problems and particularly in the question involving prejudice, discrimination and the denial of opportunities for employment. After being admitted to the New York Bar in 1918, I was for three years associated with the Legal Aid Society, and for two years I was attorney in charge of the East Side office. For the past twelve years I have been active in the Interracial movement. I was one of the organizers of the Catholic Interracial Council, a group founded in 1934, of which I am Executive Secretary, in addition to being editor of the "Interracial Review." I am a member of the Executive Committee of the National Council for a Permanent Fair Employment Practice Committee. I have had wide experience with the problem of racial discrimination and with the constructive efforts to check this violation of democratic rights.

In my opinion it would be most unfortunate if the Congress were to enact the Taft Bill under the assumption that its provisions would promote fair employment practices. This Bill is defective in that it has not made employment discrimination unlawful and has no enforcement provisions. On the other hand I

believe Senate Bill S-101 would provide an effective permanent agency to insure fair employment practice and should be enacted.

I believe that the education of the general public is essential to the elimination of all types of prejudice and discrimination. However, in the area of employment discrimination, this is not enough. In the beginning of the defense effort, most employers--even those engaged in war industries--refused to hire thoroughly qualified Negroes, and no amount of persuasion was effective. In this case education alone was not sufficient.

Later, it became necessary for the President to issue Executive Order 8802, and shortly thereafter to set up a Fair Employment Practice Committee. While progress was made--due largely to the need of employer-everyone recognizes that this step was not enough.

Remember that all this took place during the interim period of our great war effort, when the incentives of patriotism, the preservation of national unity, and the maintenance of equals at home and abroad were at their highest peak. If persuasion and public education were insufficient under these circumstances, and conciliation, hearings and arbitrations failed in their purpose, what will be the outcome with the coming of peace and readjustment?

What is needed for the future era is a Fair Employment Practice law with the provisions contained in Bill S-101, which provides conciliation, persuasion, and hearings, backed up by legal enforcement and penalties.

-0-

The problem of employment discrimination is deep-seated and of long standing, a flagrant denial of a basic fundamental, natural right, a democratic right. Employment discrimination is not hidden, covert or concealed. It is an employment policy that is openly asserted. Its existence is notorious and no one doubts that it is prevalent throughout the country. It does not require investigation or exposure. No bill of discovery is necessary nor would it serve any useful purpose. Senator Taft's bill would reveal the obstinate un discrimination and delay the establishment of an effective remedy.

S-101 - is a bill to prohibit employment discrimination. It declares that the right to work without discrimination because of race, creed, color or national origin is an immunity of all citizens. It defines employment policies that constitute unfair employment practices:- the refusal to hire; the discharge from employment; discrimination in wages and conditions of employment; the hiring through employment agencies that discriminate; and-in the case of labor unions-the denial to full membership; expelling from membership; and discriminating against any member, employer or employee. Both employers and unions are charged with unfair employment practices where they discriminate against any person who protests or enters a complaint against any unfair employment practices.

Senator Taft's bill is entirely silent regarding these prohibitions, immunities, denials and unfair practices.

S-101 - covers employers engaged in interstate commerce who have six or more employees, and labor unions coming under the same category. The bill applies to employment practices of the

United States and its territories and provides the procedure to insure enforcement of decisions.

In direct contrast, Senator Taft's bill does not provide any jurisdiction over those who practice such discriminations, either employers or unions, and does not cover government employment practices.

Both bills provide for the establishment of a Fair Employment Practice Commission of five members, and propose that the new commission take over the staff, records and property of the existing Fair Employment Practice Committee-established by executive order-, and have similar provisions regarding offices and incidental administration, including the right to conduct hearings, summon witnesses, administer oaths, and take testimony.

In the matter of procedure, the two bills differ widely.

S-101 - empowers the Commission to prohibit any person from engaging in unfair employment practice. The Taft Bill has no enforcement provision. It merely requires the Commission to investigate, study, and survey employment discrimination and inquire as to the effect of discrimination and discover methods of eliminating it. Reports are to be prepared and published, in addition to the annual report to the President and the Congress. The Commission confers with offenders and makes recommendations on ways and means to eliminate discriminations and is required to investigate specific complaints as well as other cases where discrimination may exist. It is similar to a fact-finding commission.

S-101 - would set up a tribunal for the hearing of cases involving employment discrimination and the Commission is empowered to hear, determine and render decisions, and issue orders requiring

compliance. It is authorized to petition the United States Circuit Court for the enforcement of its orders.

It appears amply evident that S-101 proposes the establishment of a Fair Employment Practice Commission which will have the necessary jurisdiction and authority to be effective. I believe that S-101 is an excellent bill and that its provisions would prove adequate for its declared objectives of insuring the right to work without discrimination because of race, creed, color or national origin. It should be enacted.

The Taft Bill is inadequate because it has not made employment discrimination unlawful, lacks the necessary authority, is merely an investigatory and advisory board, and fails to make any provision with regard to employment discriminations confronting Americans of foreign origin. Two million Spanish-speaking Americans and others of foreign ancestry are without the purview of this bill.

The Catholic Interracial Council is wholeheartedly in favor of the prompt enactment of effective fair employment practice legislation. We endorse the provisions of Senate Bill S-101 and respectfully urge that the members of the Senate Sub-Committee on Education and Labor recommend its enactment by the present Congress.

FAIR EMPLOYMENT PRACTICE ACT

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR UNITED STATES SENATE

SEVENTY-NINTH CONGRESS

FIRST SESSION

ON

S. 101

A BILL TO PROHIBIT DISCRIMINATION IN EMPLOYMENT BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, OR ANCESTRY

AND

S. 459

A BILL TO ESTABLISH A FAIR EMPLOYMENT PRACTICE COMMISSION AND TO AID IN ELIMINATING DISCRIMINATION IN EMPLOYMENT BECAUSE OF RACE, CREED, OR COLOR

MARCH 12, 13, AND 14, 1945

Printed for the use of the Committee on Education and Labor

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1945

68871

COMMITTEE ON EDUCATION AND LABOR

JAMES E. MURRAY, Montana, *Chairman*

DAVID I. WALSH, Massachusetts	ROBERT M. LA FOLLETTE, Jr., Wisconsin
ELBERT D. THOMAS, Utah	ROBERT A. TAFT, Ohio
CLAUDE PEPPER, Florida	GEORGE D. AIKEN, Vermont
ALLEN J. ELLENDER, Louisiana	JOSEPH H. BALL, Minnesota
LISTER HILL, Alabama	H. ALEXANDER SMITH, New Jersey
DENNIS CHAVEZ, New Mexico	WAYNE MORSE, Oregon
JAMES M. TUNNELL, Delaware	FORREST C. DONNELL, Missouri
JOSEPH F. GUFFEY, Pennsylvania	
OLIN D. JOHNSTON, South Carolina	
J. W. FULBRIGHT, Arkansas	

CHARLES A. MURRAY, *Clerk*

CONTENTS

Statement of—	Page
Dr. Samuel McCrea Cavert, general secretary, Federal Council of the Churches of Christ in America	10
George K. Hunton, secretary, Catholic Interracial Council and editor, Catholic Interracial Review	14
Rabbi J. X. Cohen, chairman, Commission on Economic Discrimination of the American Jewish Congress	18
Dr. Will Alexander, vice chairman, American Council on Race Relations	21
Mrs. Ruth Mougey Worrell, executive secretary, United Council of Church Women	29
Archie H. Greenberg, national commander, Jewish War Veterans	31
Dr. James B. Adams, chairman, commission of social service, National Baptist Convention, Inc	33
Rev. Horace A. White, chairman, Detroit Council for Permanent Fair Employment Practice Commission	35
Harry Reid, Catholic Interracial Council of the City of Detroit	36
Shad Polier, commission on law and legislation of the American Jewish Congress	37
Dr. Clark Foreman, president, Southern Conference for Human Welfare	41
A. Philip Randolph, president, Brotherhood of Sleeping Car Porters	44
Mrs. Allan Knight Chalmers, National Board of the Young Women's Christian Association	49
Irving Richter, national legislative representative, United Automobile Workers of America	51
Tilford E. Dudley, associate general counsel, United Packing House Workers of America	58
Lyle Cooper, research director, United Packing House Workers of America	72
Henry Epstein, chairman, public relations committee, National Community Relations Advisory Council	76
Donald Henderson, president, Food, Tobacco, Agricultural and Allied Workers Union of America	78
Frederick F. Umbey, executive secretary, International Ladies Garment Workers Union	84
Nathaniel M. Minkoff, Jewish Labor Committee	87
Maurice Bisgyer, national secretary, B'nai B'rith	90
Denis J. Driscoll, trustee, Associated Gas & Electric Corporation	93
Charles H. Tuttle, counsel, New York State Temporary Commission against Discrimination	101
James B. Carey, secretary-treasurer, Congress of Industrial Organizations	112
Thelma Stevens, executive secretary, department of Christian social relations, women's division, Board of Missions, Methodist Church	116
Roderick Stephens, president, Stephens Fuel Co., Inc	118
Channing H. Tobias, social-welfare director of the Colored Methodist Episcopal Church	122
Julius A. Thomas, director, department of industrial relations, National Urban League	124
Roy Wilkins, acting secretary, National Association for the Advancement of Colored People	128
Dr. Carlos E. Castaneda, regional director, Fair Employment Practice Committee	131

Statement of—Continued. Page

Eduardo Quevedo, president, Coordinating Council for Latin-American Youth 135
Frank Paz, president, Spanish Speaking People's Council of Chicago 140
Alonso S. Perales, chairman, Committee of One Hundred and director general, League of Loyal Americans 143
William Stix Wasserman, investment banker 155
Prof. James H. Sheldon, chairman, New York Metropolitan Council on Fair Employment Practice 157
George Marshall, chairman, National Federation for Constitutional Liberties 158
Malcolm Ross, chairman, President's Fair Employment Practice Committee 160
William H. Hastie, dean of Howard University Law School 170
Rev. Richard Morford, executive secretary, United Christian Council for Democracy 174
Benjamin C. Marsh, executive secretary, People's Lobby, Inc 176
Elisabeth Christman, secretary-treasurer, Women's Trade Union League 176
Francis W. McPeek, chairman, legislative committee of the Council for Social Action of the Congregational Christian Churches 176
John Braun, legislative counsel, Liberal Party 177
National Council of Catholic Women 179
Dr. Homer A. Jack, executive secretary, Chicago Council Against Racial and Religious Discrimination 179
Norman Thomas, Post-War World Council 182
Mildred D. Wilcox, secretary, Southwestern Connecticut Committee to Promote Fair Employment Practice 182
Mrs. Joseph M. Welt, National Council of Jewish Women 183
Mrs. Thelma S. Freeman, secretary, Denver Council for a Permanent Fair Employment Practice Commission 183
Arnold Westwood, chairman, social action committee, American Unitarian Youth 184
Bishop B. Bromley Oxnam, president, the Federal Council of the Churches of Christ in America 184
Statement of American Civil Liberties Union 184
Helen Loeffler, National League of Women Shoppers 185
Louis T. Wright, M. D., chairman, board of directors, National Association for Advancement of Colored People 186
Sal B. Hoffman, president, Upholsterers' International Union of North America 186
Marcus Cohn, American Jewish Committee 188

Spanish testimony

Business men from the South

Chuch Wm Hastie's testimony—legal explanation of bill

FAIR EMPLOYMENT PRACTICE ACT

MONDAY, MARCH 12, 1945

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to call, at 10:30 a.m., in room 357, Senate Office Building, Senator Dennis Chavez (chairman) presiding.

Present: Senators Chavez (chairman), Tunnell, La Follette, and Aiken.

Senator CHAVEZ. The committee will come to order.

We have under consideration S. 101 and S. 459, and I will ask that the reporter insert them in the record at this point.

(S. 101 and S. 459 are as follows:)

[S. 101, 79th Cong., 1st sess.]

A BILL To prohibit discrimination in employment because of race, creed, color, national origin, or ancestry

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects commerce.

It is hereby declared to be the policy of the United States to eliminate such discrimination in all employment relations which fall within the jurisdiction or control of the Federal Government as hereinafter set forth.

RIGHT TO FREEDOM FROM DISCRIMINATION IN EMPLOYMENT

SEC. 2. The right to work and to seek work without discrimination because of race, creed, color, national origin, or ancestry is declared to be an immunity, of all citizens of the United States, which shall not be abridged by any State or by an instrumentality or creature of the United States or of any State.

UNFAIR EMPLOYMENT PRACTICES DEFINED

SEC. 3. (a) It shall be an unfair employment practice for any employer within the scope of this Act—

(1) to refuse to hire any person because of such person's race, creed, color, national origin, or ancestry;

(2) to discharge any person from employment because of such person's race, creed, color, national origin, or ancestry;

(3) to discriminate against any person in compensation or in other terms or conditions of employment because of such person's race, creed, color, national origin, or ancestry; and

(4) to confine or limit recruitment or hiring of persons for employment to any employment agency, placement service, training school or center, labor union or organization, or any other source that discriminates against persons because of their race, color, creed, national origin, or ancestry.

(b) It shall be an unfair employment practice for any labor union within the scope of this Act—

(1) to deny full membership rights and privileges to any person because of such person's race, creed, color, national origin, or ancestry;

(2) to expel from membership any person because of such person's race, creed, color, national origin, or ancestry; or

(3) to discriminate against any member, employer, or employee because of such person's race, creed, color, national origin, or ancestry.

(c) It shall be an unfair employment practice for any employer or labor union within the scope of this Act to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden by this Act or because he has filed a charge, testified, or assisted in any proceeding under this Act.

SCOPE OF ACT

SEC. 4. (a) This Act shall apply to any employer having in his employ six or more persons, who is (1) engaged in interstate or foreign commerce or in operations affecting such commerce; (2) under contract with the United States or any agency thereof or performing work, under subcontract, or otherwise, called for by a contract to which the United States or any agency thereof is a party, awarded, negotiated, or renegotiated as hereinafter provided in section 13 of this Act.

(b) This Act shall apply to any labor union which has six or more members who are engaged in interstate or foreign commerce or in operations affecting such commerce or employed by the United States or any Territory, insular possession, or instrumentality thereof.

(c) This Act shall apply to the employment practices of the United States and of every Territory, insular possession, agency, or instrumentality thereof, except that paragraphs (e) and (f) of section 10, providing for petitions for enforcement and review, shall not apply in any case in which an order has been issued against any department or independent agency of the United States; but in any such case the Fair Employment Practice Commission established by section 5 of this Act may petition the President for the enforcement of any such lawful order, and it shall thereupon be the duty of the President to take such measures as may secure obedience to any such order. Every officer, agent, or employee who willfully violates any such order shall be summarily discharged from the Government employ.

FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 5. For the purpose of securing enforcement of the foregoing rights and preventing unfair employment practices on the part of employers and labor unions, there is hereby established a commission to be known as the Fair Employment Practice Commission, which shall consist of a Chairman and four additional members to be appointed by the President, by and with the advice and consent of the Senate, who shall serve for a term of five years except that the terms of the members originally appointed shall expire seriatim at intervals of one year. Any member of the Commission may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Three members of the Commission shall at all times constitute a quorum.

REPORTS

SEC. 6. The Commission shall at the close of each fiscal year make a report in writing to the Congress and to the President concerning the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Commission, and an account of all moneys it has disbursed, and shall make such further reports on the cause of, and means of alleviating, discrimination, and such recommendations for further legislation as may appear desirable.

SALARIES

SEC. 7. Each member of the Commission shall receive a salary of $10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.

TERMINATION OF COMMITTEE ON FAIR EMPLOYMENT PRACTICE

SEC. 8. Upon the appointment of the members of the Commission, the Committee on Fair Employment Practice, established by Executive Order Numbered 9346 of May 27, 1943, shall cease to exist. All employees of the said Committee shall be transferred to and become employees of the Commission. All records, papers, and property of the Committee shall pass into the possession of the Commission, and all unexpended funds and appropriations for the use and maintenance of the Committee shall be available to the Commission.

LOCATION OF OFFICES

SEC. 9. The Commission shall hold its sessions in the District of Columbia and at such other places as it may designate. The Commission may, by one or more of its members or by such referees, agents, or agencies as it may designate, prosecute any inquiry or conduct any hearing necessary to its functions in any part of the United States or any Territory or insular possession thereof.

PROHIBITION OF UNFAIR EMPLOYMENT PRACTICES

SEC. 10. (a) The Commission is empowered as herein provided to prohibit any person from engaging in any unfair employment practices within the scope of this Act.

(b) Whenever it is alleged that any person has engaged in any such unfair employment practice, the Commission, or any referee, agent, or agency designated by the Commission for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Commission or a member thereof, or before a designated referee, agent, or agency at a place therein fixed not less than ten days after the serving of said complaint.

(c) The person so complained of shall have the right to file an answer to such complaint and to appear in person or otherwise, with or without counsel, and give testimony at the place and time fixed in the complaint.

(d) If upon the record, including all the testimony taken, the Commission shall find that any person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair employment practice and to take such affirmative action, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this Act. If upon the record, including all the testimony taken, the Commission shall find that no person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(e) The Commission shall have power to petition any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia), or, if all the circuit court of appeals to which application might be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair employment practice in question occurred, or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief of restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court to which petition is made shall conduct further proceedings in conformity with the procedures and limitations established by law governing petitions for enforcement of the orders of the National Labor Relations Board.

(f) Any person aggrieved by a final order of the Commission granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia) within any circuit wherein the unfair employment practice in question was alleged to have occurred or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the Commission be modified or set aside. Upon such filing, the reviewing court shall conduct further proceedings in conformity with the procedures and limitations established by law governing petitions for review of the orders of the National Labor Relations Board.

INVESTIGATORY POWERS

SEC. 11. (a) For the purpose of all hearings and investigations which in the opinion of the Commission are necessary and proper for the exercise of the powers vested in it by this Act, the Commission, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Commission, its member, agent, or agency conducting the hearing or investigation. Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

RULES AND REGULATIONS

SEC. 12. The Commission shall have authority from time to time to make, amend, and rescind such regulations as may be necessary to carry out the provisions of this Act. Such regulations shall be effective sixty days after transmission to the Congress unless the Congress has in the interim amended or nullified such regulations by appropriate legislation or has adjourned within thirty days after the submission of such regulations. Such regulations shall include the procedure for service and amendment of complaints, for intervention in proceedings before the Commission, for the taking of testimony and its reduction to writing, for the modification of the findings or orders prior to the filing of records in court, for the service and return of process and fees of witnesses, and with respect to the seal of the Commission, which shall be judicially noticed, the payment of expenses of members and employees of the Commission, the qualification and disqualification of members and employees and any other matters appropriate in the execution of the provisions of this Act.

GOVERNMENT CONTRACTS

SEC. 13. (a) All contracting agencies of the Government of the United States shall include in all contracts hereafter awarded, negotiated, or renegotiated by them, except such classes of contracts as may be exempted from the scope of this provision by regulation adopted pursuant to section 12 of this Act, a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, or ancestry, and requiring him to include a similar provision in all subcontracts.

(b) No contract shall be awarded or executed by the United States or any agency thereof to any person found by the Commission to have violated any of the provisions of this Act or to any firm, corporation, partnership, or association

in which such person has a controlling interest, for a period to be fixed by the Commission not to exceed three years from the date when the Commission determines such violation to have occurred. The Commission may by subsequent order, for good cause shown, reduce any period so fixed. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of such persons.

WILLFUL INTERFERENCE WITH COMMISSION AGENTS

SEC. 14. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Commission or any of its referees, agents, or agencies, in the performance of duties pursuant to this Act, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of such Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

DEFINITIONS

SEC. 16. (1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of any employer, directly or indirectly, and includes the United States and every Territory, insular possession, and agency or instrumentality thereof.

(3) The term "labor union" includes any organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning the terms or conditions of employment.

(4) Unless otherwise specified, the term "Commission" means the Fair Employment Practice Commission created by section 5 of this Act.

(5) The term "Committee" means the Committee on Fair Employment Practice established by Executive Order Numbered 9346 of May 27, 1943.

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or Territory or the District of Columbia or any foreign country.

(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

SEC. 17. This Act may be cited as the "Fair Employment Practice Act."

[S. 459, 79th Cong., 1st sess.]

A BILL To establish a Fair Employment Practice Commission and to aid in eliminating discrimination in employment because of race, creed, or color

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Employment Practice Act."

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

(a) That the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of race, creed, or color is contrary to the principles of freedom and equality of opportunity upon which this Nation is built, is incompatible with the provisions of the Constitution, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production and defense, and burdens, hinders, and obstructs commerce.

(b) That it is the policy of the United States to bring about the elimination of discrimination because of race, creed, or color in all employment relations which fall within the jurisdiction or control of the Federal Government.

FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 3. (a) There is hereby created a commission to be known as the Fair Employment Practice Commission (hereinafter referred to as the "Commission"), which shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members of the Commission shall at all times constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) Each member of the Commission shall receive a salary at the rate of $10,000 a year, and shall not engage in any other business, vocation, or employment.

(e) When three members of the Commission have qualified and taken office, the Committee on Fair Employment Practice established by Executive Order Numbered 9346 of May 27, 1943, shall cease to exist. All employees of the said Committee shall then be transferred to and become employees of the Commission, and all records, papers, and property of the Committee shall then pass into the possession of the Commission.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents or agencies as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States.

(g) The Commission shall have power—

(1) to appoint such officers and employees as it deems necessary to assist it in the performance of its functions;

(2) to cooperate with or utilize regional, State, local, and other agencies and to utilize voluntary and uncompensated services;

(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents or agencies the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) to issue, from time to time, such regulations as it deems necessary to regulate its own procedure and the appearance of persons before it, and to amend or rescind, from time to time, any such regulation whenever it deems such amendment or rescission necessary to carry out the provisions of this Act;

(5) to serve process or other papers of the Commission, either personally, by registered mail, or by leaving a copy at the principal office or place of business of the person to be served; and

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make the results of such studies available to interested Government and nongovernmental agencies.

DUTIES OF THE COMMISSION

SEC. 4. (a) It shall be the duty of the Commission to bring about the removal of discrimination in regard to hire, or tenure, terms, or conditions of employment, or union membership, because of race, creed, or color—

(1) by making comprehensive studies of such discrimination in different metropolitan districts and sections of the country and of the effect of such discrimination, and of the best methods of eliminating it;

(2) by formulating, in cooperation with other interested public and private agencies, comprehensive plans for the elimination of such discrimina-

tion, as rapidly as possible, in regions or areas where such discrimination is prevalent;

(3) by publishing and disseminating reports and other information relating to such discrimination and to ways and means for eliminating it;

(4) by conferring, cooperating with, and furnishing technical assistance to employers, labor unions, and other private and public agencies in formulating and executing policies and programs for the elimination of such discrimination;

(5) by receiving and investigating complaints charging any such discrimination and by investigating other cases where it has reason to believe that any such discrimination is practiced; and

(6) by making specific and detailed recommendations to the interested parties in any such case as to ways and means for the elimination of any such discrimination.

(b) The Commission shall at the close of each fiscal year report to the Congress and to the President describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The Commission may make such other recommendations to the President or any Federal agency as it deems necessary or appropriate to effectuate the purposes and policies of this Act.

INVESTIGATORY POWERS

SEC. 5. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this Act, the Commission, or its authorized agents or agencies, shall at all reasonable times have the right to examine or copy any evidence of any person relating to any such investigation, proceeding, or hearing.

(b) Any member of the Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, agent, or agency conducting such investigation, proceeding, or hearing.

(c) Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths, examine witnesses, receive evidence, and conduct investigations, proceedings or hearings.

(d) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(e) In case of contumacy or refusal to obey a subpena issued to any person under this Act, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing; any failure to obey such order of the court may be punished by it as a contempt thereof.

(f) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

DISCRIMINATION IN EMPLOYMENT BY THE FEDERAL GOVERNMENT

SEC. 6. The Commission shall make a study and investigation of discrimination in regard to hire, or tenure, terms, or conditions of employment, in the departments and agencies of the Federal Government because of race, creed, or color, and shall recommend to the Congress a specific plan to eliminate it and such legislation as it deems necessary to eliminate it.

WILLFUL INTERFERENCE WITH COMMISSION AGENTS

SEC. 7. Any person who shall willfully resist, impede, or interfere with, any member of the Commission or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

Senator CHAVEZ. The full committee is holding hearings on another important piece of legislation, and some of the Senators here, I know, consider the hearings at the other meeting of extreme importance; hence, I want to thank them for being here this morning.

I want to read a little statement to the committee with reference to the proposed legislation.

This is a hearing to consider two bills, S. 101 and S. 459, which aim to establish a Fair Employment Practice Commission and to prevent discrimination in the employment of minority workers. The antecedent of these bills is S. 2048, introduced in the last Congress—Seventy-eighth Congress, second session—on which hearings were held in the months of August and September 1944, and which bill was reported out by this committee last September with the recommendation that it pass.

These hearings give opportunity for the elected representatives of the voters of this country to fulfill the party pledges of both major political parties made during the last campaign. The Democratic Party, through the speeches of its presently elected standard bearer, President Franklin D. Roosevelt, indicated its support of such a measure because—and I quote the President's Chicago speech:

> Our economic bill of rights, like the sacred Bill of Rights of our Constitution itself, must be applied to all our citizens, irrespective of race, creed, or color.

Similarly, the Republican Party, in its party platform and through the speeches of its Presidential candidate, pledged itself to the establishment of a permanent Fair Employment Practice Committee. On November 1, 1944, Governor Dewey said in his Buffalo Presidential campaign speech:

> We shall establish the Fair Employment Practices Committee as a permanent agency with full legal authority.

And today Governor Dewey signs the Ives-Quinn bill establishing a fair employment practice committee with full enforcement powers for the State of New York.

Enactment of similar Federal legislation is now not only consistent with the democratic ideal, consistent with the pledged objectives of both parties, but a matter of practical national necessity.

As contrasted with August 1944, we find the military campaign against Germany rapidly approaching its climax. We have advanced to within 800 miles of the home islands of Japan. We and our allies have wrested the initiative from the Axis on land, sea, and air. But the very program of our military and naval campaigns have called for increase upon increase in production.

Intensification of the fight against Japan will mean tripling the length of our supply lines and transporting millions of men and millions of tons of war matériel and supplies half way around the world. In addition, much of the matériel used in the war with Germany will not be serviceable nor available in the war with Japan, so that our production needs may well be increased rather than diminished.

Also, we are facing a cumulative problem in the replacement of worn-out civilian goods. Our transportation system is beginning to show signs of wear and tear. We have been accustomed to a shortage of oil and now there is every prospect that next year we shall face a shortage of coal.

But the bars of discrimination still stand between full utilization of manpower and full production.

In an attempt to meet this manpower shortage, the Senate has just passed the so-called work-or-fight bill. It is too plain for argument that this bill will not stand the test of constitutionality unless it is administered without discrimination because of race, creed, color, national origin, or ancestry.

But the necessity of nondiscrimination is not limited to war production alone. Our whole program of inter-American cooperation will collapse in the face of demonstrated unfairness to persons of Latin-American descent. We cannot indulge the prejudices of any small group of our population to the sacrifice of Western Hemisphere solidarity. The good-neighbor policy rests on shifting sands when a man is denied the right to work at the level of his qualifications merely because he happens to be of a given racial origin. Friendship is not spelled in these terms.

We must also recognize that the keystone in Japanese propaganda in Latin America and elsewhere is exploitation of alleged American race prejudice against all the darker-skinned peoples of the world. It is certainly good sense not to give our enemies material with which to wage their propaganda war against us.

We have tried elimination of discrimination because of race, creed, color, national origin, or ancestry in industry and labor unions by voluntary action. This has failed. Some gains have been made by the minorities but national necessity will not wait.

We have tried to eliminate discrimination by governmental action, and the successes achieved by the President's Committee on Fair Employment Practice in eliminating discrimination in war industries points the way to what can be done.

It is most significant that the basic positions taken by the President's Committee on Fair Employment Practice have subsequently been approved by the courts. Following a complaint lodged against certain railroads and railroad labor unions, the President's Committee on Fair Employment Practice issued its directive against the railroads and the labor unions to void certain discriminatory contracts. On December 18, 1944, the United States Supreme Court, in the case of *Steele* v. *Louisville & Nashville Railroad Co. and Locomotive Firemen and Enginemen* took exactly the same position.

And in the west-coast shipyards where a certain labor union holding a closed-shop contract refused to accept into the union minority workers except in a subordinate auxiliary status, the F. E. P. C. ordered the union to abandon its auxiliaries and admit the minority workers to full membership. In the case of *James* v. *Marinship, Inc.*, the California Supreme Court on January 2, 1945, concurred in its decision.

These two bills now before us simply request the Congress to implement the principles already established by the courts of the land. What is needed is an administrative agency where workers may gain a hearing without undue delay and prohibitive expense. Relief from

the courts is a far too lengthy and costly process for working men and women.

I shall not attempt a comparative analysis of S. 101 and S. 459, as the merits of the respective bills will be discussed at length in the hearings—except to point to the major difference between the two bills. S. 101 provides for enforcement powers, whereas S. 459 provides only for investigatory and advisory powers.

I close my remarks with the note that, to my mind, it is not sufficient for the Government to exercise investigatory powers aimed at preventing discrimination in employment; it is necessary that the Government take on regulatory powers over such discrimination. Effective regulation means sanctions.

We have drafted our citizens to fight without discrimination as to race, creed, color, national origin, or ancestry. We must guarantee these same citizens the right to work without discrimination.

If the rise and fall of Hitler teaches nothing else, its teaches us that a national policy based on exploitation and discrimination is a certain road to ruin. We should not only write a policy of nondiscrimination in employment into the law, but we should also insist upon it in every official act. If we would save ourselves and our country, we must guarantee every citizen, no matter how humble, the full right to earn his living in accordance with his qualifications and regardless of race, creed, color, national origin, or ancestry.

The committee has quite a list of witnesses who will testify today, and I was going to make this suggestion to those witnesses, due to the fact that we do have so many witnesses, that they make their verbal statement as short as is possible and consistent with a correct expression of the views of the witness, and if they have a written statement, they will file it for the record.

Is Dr. Samuel McCrea Cavert present?

Dr. CAVERT. Yes.

Senator CHAVEZ. Doctor, will you step up, please?

Doctor, do you care to make a statement with reference to the proposed legislation?

Dr. CAVERT. Yes, please.

Senator CHAVEZ. Involved in S. 101 and S. 459?

Dr. CAVERT. Yes.

Senator CHAVEZ. Have you a prepared statement?

Dr. CAVERT. Yes; I have.

Senator CHAVEZ. All right; you may proceed in your own way, first identifying yourself as to whom you represent.

STATEMENT OF DR. SAMUEL McCREA CAVERT, GENERAL SECRETARY, FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA, NEW YORK, N. Y.

Dr. CAVERT. My name is Samuel McCrea Cavert. I am general secretary of the Federal Council of Churches of Christ in America, a federation of 26 national denominations, with a combined membership in excess of 25,000,000 in 140,000 local congregations.

These churches have long had a keen interest in the welfare of minority groups in our population, and are now especially concerned over the issue of full justice for them in our economic life. The oppor-

tunity of every citizen to work is so fundamental that any discrimination in industry on account of race, creed, color, national origin, or ancestry seems to us a matter of high moral and spiritual significance.

The right to work is really a part of the right to live, or at least to live in the way that is commensurate with the religious conception of the dignity and worth of human personality. That is why the executive committee of the Federal Council of the Churches of Christ in America, in a message to its own constituency, said, on September 16, 1943:

> As Christians, each of us should give active support to the Fair Employment Practice Committee against discrimination in employment.

A few months later, on March 21, 1944, further action was taken officially, urging our Government to establish some permanent legal procedure for dealing with the problem. This resolution reads as follows:

> Discrimination in employment because of race, creed, or national origin is one of the great moral issues before our Nation today. The right of the worker to be employed and paid solely on the basis of his character and ability is so clear, just, and Christian that it should be protected by law. This right should be safeguarded by appropriate legislative and administrative provisions: Be it therefore
>
> *Resolved*, That the Federal Council of Churches urge our Government to establish permanent procedures for securing the objectives which have been sought by the Committee on Fair Employment Practice.

This same position has been strongly supported by many of the major denominations, meeting separately in their official plenary sessions, including the General Conference of the Methodist Church, the General Assembly of the Presbyterian Church in the United States of America, the Northern Baptist Convention, the General Council of the Congregational Christian Churches through its Council on Social Action, the General Conference of the African Methodist Episcopal Church, the General Conference of the African M. E. Zion Church, the National Baptist Convention, Inc., and also by a large number of local councils of churches, diocesan, and other regional bodies in various denominations.

These resolutions have their significance as manifestations of a widespread moral and social concern, expressing itself in many different quarters and disclosing something like a spontaneous welling up of thoughtful opinion on the subject.

In keeping with the usual procedures of the Protestant churches, they have not endorsed the details of any specific bill now before Congress, but have confined themselves to the basic principles involved in such legislation.

I should like, however, to emphasize the fact that the resolution which I have quoted calls for more than a mere study of the question. It calls for effective action. More specifically, it says that the right to work without discrimination because of race, creed, or national origin, should be protected by law. The general spirit and purpose of our resolution, therefore, supports S. 101.

S. 459, on the other hand, seems to me inadequate in that it includes no provision for ordering any employer or labor organization to cease or desist from any unfair and discriminatory practice if and when adjudged guilty.

S. 459 appears to me to be only a proposal for investigation and education; and processes of investigation and education, important as they are, if they lack measures for enforcement do not have the weight of laws.

I believe that Daniel Webster once said that a law without a penalty is simply good advice.

I submit that the time for good advice has passed. The time has come for positive legal action with appropriate procedures for enforcement.

In conclusion, I desire to put my main emphasis on the fact that there is an awakening of conscience in the churches on the whole question of justice for minority peoples in our national life. When we are asking Negroes and other minority groups equally with the majority to fight and die on the battlefields of the world in the defense of democracy, we face a new moral obligation to strengthen democratic rights in our life at home.

One of the most elementary aspects of democratic rights is equal opportunity for all workers to earn their daily bread. That is why I think there is widespread support throughout the churches for a law which shall include adequate measures of protection against discrimination against properly qualified persons by reason of their race, creed, color, national origin, or ancestry.

Thank you.

Senator CHAVEZ. Are there any questions?

Senator TUNNELL. I would like to ask a question.

How many denominations did you say were in the council?

Dr. CAVERT. Twenty-six.

Senator TUNNELL. How many are there in the country?

Dr. CAVERT. There is a very large number in the country, as recorded in the Federal Census of Religious Bodies, most of which are very small. I believe there are slightly more than 200. As a matter of fact, the Federal council includes approximately two-thirds of the Protestant membership of the country.

Senator TUNNELL. Well, I was trying to get at the total of the membership more than I was the total number of organizations.

Dr. CAVERT. These 26 denominations have a combined membership of approximately 26,000,000.

Senator TUNNELL. Now then, you spoke of that being a majority of the Protestant communicants. Does it represent any part of the Catholic?

Dr. CAVERT. Not of the Roman Catholic Church. That has its own separate organization.

Senator TUNNELL. Well, it is not in opposition to your plea in this respect?

Dr. CAVERT. Oh, no.

Senator TUNNELL. Now, then, has this been pretty generally known to the churches of your organization as to what position you are taking here?

Dr. CAVERT. It has been very much discussed over a period of 3 or 4 years, and especially during the last 12 months or so.

Senator TUNNELL. We don't have a copy of the statement that you read, and you may have covered this, but do you have the backing of the southern churches?

Dr. CAVERT. The Southern Baptist Church, which is one of the very large bodies in the South, is not a member of the council.

Senator TUNNELL. The council was not formed around this particular issue?

Dr. CAVERT. Oh, no; it was formed 36 years ago as a means of securing cooperation and united action in things that the churches had in common.

Senator TUNNELL. What I mean is this: I take it that because a church does not belong to this organization is no indication that it opposes this particular bill?

Dr. CAVERT. Oh, no. Some of them, on principle, prefer to act quite independently rather than in the cooperative movement, quite without reference to this measure.

Senator TUNNELL. Do you think that any law can be enforced on this? What is your idea of the practical side of this issue?

Dr. CAVERT. Of course, I believe that the educational processes are absolutely fundamental and necessary. I think they have been going forward rather effectively during recent years. I believe that the Fair Employment Practice Committee has been one of those important educational forces, and that it has already demonstrated that there is a great support for its policies. And when the time has come that there is a sufficiently strong public opinion to support legislation with enforcement powers, then it seems to me the time has come for such legislation. Unless there is a strong public opinion, I grant you the enforcement may prove to be ineffective, or it might even be woefully ineffective if there were not strong opinion behind it. I believe there is a strong enough opinion behind this measure to justify the expectation that enforcement provisions can be made effective.

Senator TUNNELL. Your answer would indicate that you think that a good deal of this work must be educational.

Dr. CAVERT. I surely do.

Senator TUNNELL. And not particularly penal?

Dr. CAVERT. I would only say on that point that if you believe in legislation, you do believe that there is a place for penalty.

Senator TUNNELL. It isn't a question of whether there is a place for it. In my opinion or in my thought along the line I was following, I was only trying to get at what effect either penalties or education could have, or what their relative effect would be. I wasn't expressing an opinion.

Senator AIKEN. I would like to ask a question.

Do you believe that the act just passed by the New York Legislature had the backing of popular opinion?

Dr. CAVERT. I am convinced that it had a very strong backing in New York State.

Senator AIKEN. What is the reason that New York was the first State to enact legislation with compulsory features, with penalties?

Dr. CAVERT. Being a New Yorker, perhaps I can be forgiven for saying that I think it is because New York is a very progressive State.

Senator AIKEN. Well, is it that, or is it because conditions were worse in New York?

Dr. CAVERT. Perhaps both. I grant you, certainly, that conditions in the State of New York seemed to me to require it.

66371—45——2

Senator TUNNELL. At any rate, the opportunity for discrimination is perhaps greater in New York, is it not?

Dr. CAVERT. There is plenty of opportunity, I am sure.

Senator TUNNELL. With its great population and great number of different peoples.

Dr. CAVERT. Yes.

Senator CHAVEZ. Possibly the people of New York felt that the many minorities that make up the large population of New York, who are now making even the supreme sacrifice for the country, made it necessary that justice be done at home to those same minorities.

Dr. CAVERT. Yes.

Senator CHAVEZ. Thank you, Doctor, for your statement.

Dr. CAVERT. Thank you.

Senator CHAVEZ. Is Mr. Hunton present?

Mr. HUNTON. Yes, sir.

Senator CHAVEZ. Will you kindly be seated, Mr. Hunton, and identify yourself for the record?

STATEMENT OF GEORGE K. HUNTON, SECRETARY OF THE CATHOLIC INTERRACIAL COUNCIL AND EDITOR OF THE INTERRACIAL REVIEW, NEW YORK CITY

Mr. HUNTON. I am George K. Hunton, secretary of the Catholic Interracial Council and editor of the Interracial Review.

Senator CHAVEZ. Do you care to make a statement to the committee on these bills?

Mr. HUNTON. Yes, sir.

For more than 25 years I have been deeply interested in social problems and particularly in the question involving prejudice, discrimination, and the denial of opportunities for employment. After being admitted to the New York bar in 1910, I was for 3 years associated with the Legal Aid Society, and for 2 years I was attorney in charge of the East Side office, in New York, an area where there are so many various foreign-language groups residing in close proximity. For the past 12 years I have been active in the interracial movement. I was one of the organizers of the Catholic Interracial Council, a group founded in 1934, of which I am executive secretary, in addition to being editor of the Interracial Review, a monthly magazine devoted to the combatting of prejudice and discrimination, and for the securing of social justice for all, regardless of race. I am a member of the executive committee of the National Council for a Permanent Fair Employment Practice Committee. I have had wide experience with the problem of racial discrimination and with the constructive efforts to check this violation of democratic rights.

Here I should like to point out again that our largest minority is the most depressed minority and the chief victim of the pattern of discrimination.

In my opinion, it would be most unfortunate if the Congress were to enact Senator Taft's bill under the assumption that its provisions would promote fair employment practices. This bill is defective in that it has not made employment discrimination unlawful and has no

enforcement provisions. On the other hand, I believe S. 101, which calls for enforcement, would provide an effective permanent agency to insure fair employment practice and should be enacted.

I believe that the education of the general public is essential to the elimination of all types of prejudices and discriminations. However, in the area of employment discrimination, this is not enough. We recall that in the beginning of the defense effort most employers—even those engaged in war industries—refused to hire thoroughly qualified Negroes, and no amount of persuasion was effective. I recall particularly taking part, with representatives of a number of organizations such as the National Association for the Advancement of Colored People, the National Urban League, and other groups, on behalf of 17 Negro boys, all of whom were graduates of the New York School of Aviation Trades. They applied in vain for employment at three large aircraft plants within the vicinity of New York City. All of their classmates were hired. They were refused.

Conferences, deliberations, correspondence availed nothing for months. It was resisted on the grounds, from the point of view of the personnel officials, that the workers would not work with them. Representatives of the shop committees, in turn, said that they would be perfectly willing to work with them, that it was a question of passing the buck.

In one particular place one of the members of our committee was told: "We have no discrimination against the Negroes; our porter and doorman and a night watchman are Negroes."

And at this very time, gentlemen, every one of those plants was advertising throughout the country in desperation to get thousands of needed workers. Here we had a situation where there were available jobs, where those in charge of carrying out the war production or the defense production earnestly desired to have thousands more workers, and you had these 17 young boys who were ready, able, and equipped, and particularly trained for that work, and they were refused because of race prejudice.

Senator AIKEN. Were those plants in New York?

Mr. HUNTON. Yes; in Farmingdale, Long Island, in Long Island City, and in Bethpage. I refer to the Grumman, the Fairchild, and the Brewster Aircraft companies.

It was not until months later that steps were taken to gradually integrate Negroes in those plants.

Senator CHAVEZ. Was that after the President's Committee was appointed?

Mr. HUNTON. Yes, sir.

In the begining of the defense effort most employers—even those engaged in war industries—refused to hire thoroughly qualified Negroes, and no amount of persuasion was effective.

Later it became necessary for the President to issue Executive Order 8802, and shortly thereafter to set up a Fair Employment Practice Committee. Under this, while progress was made, due largely to the need of manpower, everyone recognizes that this step was not enough.

Meantime I should like to point out that there have been a great number of gains in the area of experience. Tens of thousands of employers have actually found that it is possible, from their point of

view, to have Negro employees. They didn't want it, but they have found that it could be satisfactory.

Hundreds of thousands of white workers, who didn't want or welcome the Negro as a fellow worker, have found that it is satisfactory, and in many cases are taking it in stride as the result of the experience they have had.

I mention that as an indication that it is going to be entirely possible, with an adequate bill that has the enforcement provisions behind it, to make continued progress in the post-war era.

Now, all these things I spoke of took place during the interim period of our great war effort, when the incentives of patriotism, the preservation of national unity, and the maintenance of morale at home and abroad were at their highest peak. If persuasion and public education were insufficient and have proven so under these circumstances, and conciliation, hearings, and arbitrations failed in their purposes, what will be the outcome with the coming of peace and readjustment, if there is no agency to provide relief?

What is needed for the post-war era is a fair employment practice law with the provisions contained in bill S. 101, which provides conciliation, persuasion, and hearings, backed up by legal enforcement and penalties.

The problem of employment discrimination is deep-seated and of long standing—a flagrant denial of a basic fundamental, natural right, a democratic right. Employment discrimination is not hidden, covert, or concealed. It is an employment policy that is openly asserted by those who practice it. Its existence is notorious and no one doubts that it is prevalent throughout the country. It does not require investigation or exposure. No bill of discovery is necessary, nor would it serve any useful purpose. Senator Taft's bill would reveal the precise statistics on discrimination and delay the establishment of an effective remedy.

S. 101 is a bill to prohibit employment discrimination. It declares that the right to work without discrimination because of race, creed, color, or national origin is an immunity of all citizens. It defines employment policies that constitute unfair employment practices—the refusal to hire, the discharge from employment, discrimination in wages and conditions of employment, the hiring through employment agencies that discriminate, and—in the case of labor unions—the denial to full membership, expelling from membership, and discriminating against any member, employer, or employee. Both employers and unions are charged with unfair employment practices where they discriminate against any person who protests or enters a complaint against any unfair employment practices.

Senator Taft's bill is entirely silent regarding these prohibitions, immunities, denials, and unfair practices.

S. 101 covers employers engaged in interstate commerce who have six or more employees, and labor unions coming under the same category. The bill, happily, applies to employment practices of the United States and its Territories and provides the procedure to insure enforcement of decisions.

In direct contrast, Senator Taft's bill does not provide any jurisdiction over those who practice such discriminations, either employers or unions, and does not cover Government employment practices.

Both bills provide for the establishment of a Fair Employment Practice Commission of five members, and propose that the new commission take over the staff, records, and property of the existing Fair Employment Practice Committee. They have similar provisions regarding offices and incidental administration, including the right to conduct hearings, summon witnesses, administer oaths, and take testimony.

In the matter of procedure, the two bills differ widely.

S. 101 empowers the Commission to prohibit any person from engaging in unfair employment practice. The Taft bill has no enforcement provision. It merely requires the Commission to investigate, study, and survey employment discrimination and inquire as to the effect of discrimination and discover methods of eliminating it. Reports are to be prepared and published, in addition to the annual reports sent to the President and the Congress. The Commission confers with offenders and makes recommendations on ways and means to eliminate discriminations and is required to investigate specific complaints as well as other cases where discrimination may be thought to exist. It is similar to a fact-finding commission.

S. 101 would set up a tribunal for the hearing of cases involving discrimination in employment, and the Commission is empowered to hear, determine, and render decisions, and issue orders requiring compliance. It is authorized to petition the United States circuit court for the enforcement of its orders.

It appears amply evident that S. 101 proposes the establishment of a Fair Employment Practice Commission which will have the necessary jurisdiction and authority to be effective. I believe this bill is an excellent bill and that its provisions would prove adequate for its declared objectives of insuring the right to work without discrimination because of race, creed, color, or national origin. It should be enacted.

The Taft bill is inadequate because it has not made employment discrimination unlawful, it lacks the necessary authority, it is merely an investigatory and advisory board, and fails to make any provision with regard to employment discriminations confronting Americans of foreign origin. Two million Spanish-speaking Americans and others of foreign ancestry are without the purview of this bill.

The Catholic Interracial Council is wholeheartedly in favor of the prompt enactment of effective fair employment practice legislation. We endorse the provisions of Senate bill S. 101 and respectfully urge that the members of the Senate Subcommittee on Education and Labor recommend its enactment by the present Congress.

Senator CHAVEZ. Thank you.

Are there any questions?

Senator TUNNELL. I would just like to ask what the present situation is with reference to labor unions and their acceptance of Negroes, for instance. Don't they usually accept them, or is there a discrimination by some of them?

Mr. HUNTON. There is still a discrimination by some of them, Senator.

Senator TUNNELL. Are they the large organizations?

Mr. HUNTON. I should say that they are generally the boilermakers, and some of the other unions, in certain sections of the country; but more and more, both members of the unions of the C. I. O. and of

the A. F. L. are accepting Negroes into membership. But much more remains to be done.

Senator TUNNELL. I have noticed in delegations that have seen me on different matters with reference to labor, and so on, there are usually people of different races. That was the reason I was asking.

Senator CHAVEZ. Senator La Follette?

Senator LA FOLLETTE. No questions.

Senator CHAVEZ. Senator Aiken?

Senator AIKEN. No questions.

Senator CHAVEZ. Could you give us an estimate of the total number of persons that you represent here at this hearing?

Mr. HUNTON. That would be entirely impossible, sir. We are a part of a movement that has auxiliary cooperating groups in many places, student bodies, heads of colleges and universities, not connected directly with our organization but sympathetic with its purposes.

I could give one example and say that, for instance, the Catholic press of the country is entirely in line with the aims and objectives of our Catholic Interracial Council which has sought from the beginning to combat the evil of employment discrimination.

Senator CHAVEZ. Have you not found that people representing religious faiths of the different denominations, as a whole are getting behind some legislation of this character?

Mr. HUNTON. Decidedly, sir, decidedly.

Senator CHAVEZ. To me that was the most encouraging thing that developed at the last hearings in August and September, that the representatives of the different faiths were so unanimous in coming over and expressing their opinions to do something worth while.

Mr. HUNTON. I think that is very important, and I think it is significant that no representative of any religious denomination has been heard in opposition to the purposes of this type of legislation.

Senator CHAVEZ. Thank you.

Rabbi Cohen, will you kindly come forward, please?

Rabbi COHEN. Yes, sir.

Senator CHAVEZ. Please be seated and give your name to the reporter.

STATEMENT OF RABBI JACOB X. COHEN, CHAIRMAN, COMMISSION ON ECONOMIC DISCRIMINATION OF THE AMERICAN JEWISH CONGRESS, NEW YORK, N. Y.

Rabbi COHEN. My name is Rabbi Jacob X. Cohen, chairman of the Commission on Economic Discrimination of the American Jewish Congress, the national office of which is located in New York City.

Senator CHAVEZ. You may proceed.

Rabbi COHEN. Mr. Chairman and members of the Senate committee, we are considering two bills, S. 101 and S. 459, the first proposing education through law enforcement in the field of employment discrimination, and the second, education operating in an enforcement vacuum. The issues presented by these two bills are twofold: The first moral and the second practical. S. 101 would wisely combine both the moral and the practical. S. 459 would vaguely point toward the path of righteous conduct.

As a religious teacher, may I recall that the moral codes promulgated on Mount Sinai, and reechoed in the Sermon on the Mount, have been unquenchable beacons for guidance and education in the Judaeo-Christian civilization of the western world. Loathe as I am to say this, it is yet necessary to point out that throughout the centuries which followed the promulgation of these two sublime moral codes of social conduct, legislators, until this very hour, have been industriously erecting fences, some weak, some strong, to restrain men from antimoral and antisocial acts. The purpose of these fences has been not only to restrain but to guide; to guide men along the high road of moral conduct, to bring them to the personal practice of the ideals enunciated by Moses and Jesus.

But I speak not as a teacher of morals alone. I wish to speak also as one engaged in social action—as a social engineer—as one who is chairman of the Commission on Economic Discrimination of the American Jewish Congress. The experience of this commission, in the more than 15 years of its active operation throughout the United States, through its branches, its affiliates, and its divisions, has clearly demonstrated that employment discrimination has vicious effects upon one's right to earn a living. We have found discriminatory techniques operating in multiple forms, determined in part by a general pattern of prejudice and in part by the ingenuity of the individual seeking to express company policy or personal basis. We have found, for instance, the personnel director of a Nation-wide chain-store organization insistent upon knowing the religion of the applicant because, as he phrased it, "in the event of an emergency we wish to know whether to send for a priest, a minister, or a rabbi," as though merchandising were as hazardous as a battlefield.

In another organization, engaged in interstate activity, we found them inquiring not only as to the religion of the applicant but desirous of knowing the religion of his parents. They did not go the full way of the Hitler technique, which also inquired as to the religion of the grandparents, but if unchecked they may, in the post-war period, initiate that inquiry also.

In one of the largest life-insurance companies in the Nation an applicant for a position in the legal department was told—my informant was a judge in one of the highest Federal courts—that the applicant could not be engaged for the job, for which he was declared technically qualified, because his was a "borderline" case—his mother was a Protestant, but his father was Jewish.

We could make the record of such instances almost as voluminous as the pages of Mein Kampf with such American records of Hitlerian procedures.

Though Germany is on the verge of military defeat it may yet win a spiritual victory over American ideals. We need a law such as S. 101 to curb post-war practices of discrimination, practices aggrandized in many American areas of economic activity in the pre-war period, by German propaganda.

May I take a moment, sir, to reinforce the statement made by the chairman with respect to the good-neighbor policy, and the negative influence of such discriminatory procedures against minority groups. It has been my privilege to travel south of the Rio Grande, clear down to Chile, and in talking to gentlemen representative of what is

known in Latin America as the ministries of exterior relations—our own Department of State would be the equivalent—there was a constant reiteration of the serious impact upon thinking in the countries of Latin America with respect to the acts on the one hand and the declarations on the other hand, particularly with respect to Mexican-Americans and to Negroes.

The most encouraging experience of the commission on economic discrimination of the American Jewish Congress has come during the present war period. We have had the benefit of the close cooperation of the President's Committee on Fair Employment Practice. In numerous instances complaints of employment discrimination which we brought to their attention, or indices of the possibility of such discrimination, were favorably acted upon. These beneficial results flowed from the fact that the President's Committee on Fair Employment Practice operates in an area of essential industry, with a capacity for enforcement that flows from the wartime powers of the President of the United States.

It would be of interest to the members of this committee, and to the Members of the Senate as a whole, if they would obtain a copy of a recent report that is not in general circulation, a report by the War Manpower Commission with respect to region II, which is around New York City. It would be well if the Members of the Senate obtained reports of all of the 13 regions in which the War Manpower Commission operates in the United States. This report covers a short period only, just the 9 months that have passed. In this particular report, in this one, region II of these 13 regions, it was established that numerous discriminatory specifications were filed with the War Manpower Commission. Where the discriminatory specifications came from essential industries, the War Manpower Commission could, and did, achieve the relaxation of these discriminatory specifications.

This was possible because the enforcement powers available to the Fair Employment Practice Committee could, if necessary, be invoked. But in 481 cases which dealt with workers seeking employment in nonessential industries such action was not possible. Of these specifications, 338—70 percent—were directed against Negroes, 83 of the cases—17 percent—were against Jews, and the remaining 60—13 percent—were labeled "others."

In the interest of making placements, the War Manpower Commission representatives interceded with the discriminatory employers and, in about 50 percent of the cases obtained a relaxation of the discriminatory specifications.

But in 239 cases no relaxation was secured. No action could be taken against these employers because they were in nonessential industry. In the same way, if S. 459 were enacted into law, no action could be taken against such discriminatory industries in the post-war period, for all industries would then be nonessential, from the military point of view.

Statesmanship demands that we be alert now to safeguard the gains that have been achieved through the war. Otherwise what has been wisely termed "the explosion of peace" may shatter the wartime barriers erected against discrimination because of race, creed, color, national origin, or ancestry.

May I, in conclusion, refer to the happy circumstance which the chairman has also alluded to, that this very day the Governor of the State of New York, the Honorable Thomas E. Dewey, will sign the bill that will establish a permanent commission for the State of New York to curb and control discrimination in employment. That law very wisely includes processes of social education, but with equal wisdom it contains clear-cut provisions for enforcement. The public debate on this bill, which lasted more than a year in our State, traversing all phases of the problem and all areas of community interest, resulted in the virtually unanimous passage of the act, with enforcement provisions, in both legislative houses of the State of New York.

Just a few days ago a public hearing was held in the statehouse in Massachusetts, to consider legislation to curb and control economic discrimination in that State. Six other State legislatures of our Union are also considering similar acts. These progressive States are planning to control intrastate expressions of bigotry in the field of employment, thus preparing for the post-war conversion period and the serious dangers that loom upon the economic horizon. The Government of the United States can do no less for the interests engaged in interstate activity. Hence I urge, on behalf of the American Jewish Congress and its Nation-wide membership, that S. 101 be speedily enacted into law.

Abraham Lincoln said, near these august premises, "We cannot survive as a nation half slave and half free." May one reaffirm that democracy is indivisible, that we cannot survive as a nation unless we couple with political democracy the substance of economic democracy for all, regardless of race or creed, of color or national origin. God helping us, we can do no less.

Senator CHAVEZ. Thank you, Doctor.

Senator Tunnell, do you have any questions?

Senator TUNNELL. How many Jewish people do we have in the United States?

Rabbi COHEN. About 5,000,000, sir.

Senator CHAVEZ. Senator Aiken?

Senator AIKEN. No questions.

Senator CHAVEZ. Thank you, Doctor.

Rabbi COHEN. Thank you.

Senator CHAVEZ. Is Dr. Will Alexander present?

Dr. ALEXANDER. Yes, sir.

Senator CHAVEZ. Please step up and identify yourself.

STATEMENT OF DR. WILL ALEXANDER, VICE CHAIRMAN, AMERICAN COUNCIL ON RACE RELATIONS, CHICAGO, ILL.

Dr. ALEXANDER. I am Will Alexander, the vice chairman of the American Council on Race Relations, with offices in Chicago.

Senator CHAVEZ. Will you kindly state, for the record, the functions of your organization?

Dr. ALEXANDER. This organization was set up by a group of citizens for the purpose of rendering service to States and local communities in connection with problems involving the relationship of minorities to government, to industry, and to the general community life.

Senator CHAVEZ. Thank you, Doctor, you may proceed.

Dr. ALEXANDER. I have a statement which I will leave for the record, but there are one or two things that I would like to say.

Senator CHAVEZ. Very well, and that statement will be included in the record at the conclusion of your oral remarks.

Dr. ALEXANDER. At the beginning of the defense effort, after having left Washington for a period, I came back at the very beginning to work with the then defense agency on this problem of the use of minority manpower in the defense effort, and a little of that experience might be of value to the record.

Senator CHAVEZ. I believe it would.

Dr. ALEXANDER. I remember, sir, making a trip to the Southwest where it was evident that manpower shortages of very great significance were emerging.

One of the reservoirs of manpower in the Southwest was the large number of so-called Spanish Americans. It was the first time anybody representing the Manpower Commission had been out in that area, and in every city I discovered industry unable, or unwilling, to use that reservoir of manpower represented by the Spanish-Americans—people who had largely been excluded from industry to become migrant laborers in agricultural work, and unskilled laborers, largely, in those areas where they have penetrated into industry.

I came back from that trip by way of Taos——

Senator CHAVEZ. Incidentally we have a very fine man from Taos listening in at these hearings.

Dr. ALEXANDER. I came back by way of Taos and I was told in that community that Taos is a county which is largely Spanish American in its population——

Senator CHAVEZ (interposing). About 90 percent.

Dr. ALEXANDER. Ninety percent; yes. I learned in Taos that there were practically no young men left in the community, that the younger men had gone out with the New Mexican National Guard, and in the very early engagements in the Pacific that guard had suffered great losses, so that many of these young men would never come back.

Senator CHAVEZ. That is right. Some of them were just liberated lately in the Philippines.

Dr. ALEXANDER. And yet their brothers and fathers and sisters and mothers were excluded from helping make the implements with which these men would fight. It seemed to me a very strange sort of commentary on democracy in this country at a time like this. But the handicap was the tradition of employment for those people that went back over many generations.

Therefore, the one point I want to make is that there are more people involved than one group. There are numbers of minority groups. By and large, the employment situation of Spanish Americans at the beginning of the war was even more difficult than with Negroes. They had less hold in industry.

In the matter of discrimination against Jews, we found that everywhere across the country, much more subtle and difficult to get at, but very definite—and against orientals.

So that the problem is a problem that represents the maladjustment of many of our minorities, and it means that we are banishing certain groups of our people from participation in the economic system, and permanent poverty and the things that go with it are inevitable.

Now, we had some experience on this persuasion thing, Mr. Chairman. In the early days of the war the Manpower Commission, in an emergency, with all the prestige that these agencies had—what became the War Manpower Commission had several different names at various times—in spite of the emergency we had no authority to do anything more than persuade. And we went through the persuasion period, and we know, with all sincerity, and with the emergency back of it, how impotent we were to get this thing done by persuasion, and it was not until the President appointed the Fair Employment Practice Committee that we began to get results.

Out of that experience, it seems to me, we have learned something about how we are going to go about this, if we are going to do it for the rest of the war emergency and for the period of the peace which is just as important, because many of these gains which these minorities have made in employment will be lost in the reconversion period if steps are not taken to protect them, and they will be again banished as economic outcasts, without opportunity for making a living.

Therefore, it seems highly necessary that we do, not the least that the Federal Government can do, but the most it can do in dealing with this subject.

There is another thing that might be important. I think that many of these labor unions, and many employers, would have their hands strengthened by some such action as is under discussion here today. These employers need help, and they will follow the lead of the Federal Government, as many of them have under the President's Executive order.

That is true with the labor unions as well. The leadership of labor is undoubtedly aware of this problem, and trying to do something about it. They need their hands strengthened as they would be strengthened by such legislation as is proposed here.

It is also well to remember that as we face the new world in which we are going to have to live, this whole matter of minorities and their treatment on a world-wide scale will become very important. As a nation, in trying to share our international responsibility in protecting minorities internationally, we would certainly be at a great disadvantage if we failed to apply that same principle within our own borders.

Senator CHAVEZ. For instance, we know that they recently had a conference in Mexico City at which they discussed the political and the economic angles of this continent—a thing that, in my opinion, was necessary. I think they made great progress. But speaking of the common man, the rank and file of the people south of the border, what will they think when Americans of their own racial strain, of their own religious strain, brothers and sisters and fathers and mothers, who have sent many Americans of the same racial strain to every battlefield, can't get a job in the Southwest on account of the discrimination? What good will the conference in Mexico City do in that regard?

Dr. ALEXANDER. If we go back to our old practice of eliminating portions of our population from free access to our economic opportunities, we will be discredited across the world.

Senator CHAVEZ. I think that covers it very well.

Dr. ALEXANDER. I have nothing else.

Senator TUNNELL. Doctor, there has been mention made of Negroes, Jews, Spanish-Americans, and orientals, as people who are discriminated against. Are there any other large classes?

Dr. ALEXANDER. Not large; no. It is the tinted peoples that have difficulty.

Senator TUNNELL. Tinted?

Dr. ALEXANDER. Yes; it is the color thing that makes the great difficulty.

Senator TUNNELL. Can you give us any idea as to the total number of all the people that this bill would apply to?

Dr. ALEXANDER. No; I cannot.

Senator TUNNELL. That might be interesting.

Dr. ALEXANDER. Those figures can be gotten.

Senator TUNNELL. I would like to have them.

Dr. ALEXANDER. There are 13,000,000 Negroes; there are perhaps between two and three million Spanish Americans. I haven't any figures for the orientals.

Senator TUNNELL. And we were just told that there were 5,000,000 Jewish people.

Dr. ALEXANDER. Yes. So it represents a considerable number of people.

Senator CHAVEZ. But the idea of discrimination as a whole—of course, we are trying to cure economic discrimination by the bill—there is no political discrimination, according to law, they are able to vote and to do this and that, but they are starving to death in many instances. But the discrimination in many instances goes further than that, it is even racial and religious. I have heard it stated that an Irish Catholic can't be elected Governor of Pennsylvania. I have heard it stated that an Irish Catholic can't be elected Governor of New Jersey. I have heard it stated in many instances that somebody else can't be elected because he might be from below the Mason-Dixon line—which all goes to make an undemocratic state.

Dr. ALEXANDER. I think, if there were only 100 of these people, it would be un-American and dangerous to the country.

Senator AIKEN. Do you find this discrimination peculiar to certain industries?

Dr. ALEXANDER. No; I should say not. Perhaps in steel, as an illustration, the Negroes have had more opportunity than in some of the other industries, because traditionally they have been steel workers. I should say in the War Manpower Commission's experience that if there was any difference it was that the newer industries were more difficult. I am glad to say that they have improved.

Senator AIKEN. Is that because the employers felt that perhaps a small percentage of certain classes were trained for that work, and it didn't want to bother to train them?

Dr. ALEXANDER. I remember going into one of the great airplane plants of the country and the president sent me out with his assistant, and I think almost every 15 minutes this assistant would say, "You see, these are all young Anglo-Saxon Americans"—that was out in the Southwest—"These are all young Anglo-Saxon Americans." Of course, there was a pride in having them.

Senator AIKEN. Was that because they felt that the majority of the young Anglo-Saxon Americans are more mechanically inclined, particularly with reference to aviation?

Dr. ALEXANDER. In that very plant I had an interesting experience. We went back to the office and the president said, "We can't use Negroes in this industry, we just can't."

Then his assistant said, "But, Mr. President, in our engineering department, on our engineering staff, we have a Negro who has been there from the beginning, he is the authority on our engineering staff on stresses." He said, "When we were young and getting started we got such engineers as we could get, and we picked up this Negro who had had engineering training, and he has been in there ever since and is one of our good men." The president said, "I had forgotten that."

The answer to your question, Senator, is "Yes."

This man had, in his own plant, demonstrated that these people had the capacity in the use of at least one man, and there must be more than one. There are all sorts of reasons. Perhaps there were difficulties, but they were not difficulties that could not be overcome. When these people were introduced into these plants there was very little difficulty, even in the Southwest. Later the plants used their own transportation to go and get these Spanish-American workers and take them out to the plants.

Senator AIKEN. Well, there is the feeling that there are certain classes of people that are peculiarly adapted to certain types of work. For instance, the Swedes are supposed to be mechanically inclined. Give them a screwdriver, a hammer, and a piece of stovepipe and they can make most anything out of it.

On the other hand, the people have been accustomed to thinking of the Negro as agriculturally inclined, and they expect to find most of them on the plantations. Of course, they are disappearing from the plantations rapidly and going into industry.

Dr. ALEXANDER. I am a southerner and my father grew up on his grandfather's plantation. By the way, the old farm has just been flooded by the Fort Loudon Dam of the T. V. A. On that plantation the skilled work was done by Negroes, and my father didn't believe that anybody could do as good skilled work as Negro skilled workers. This tradition that Negroes can't do skilled work is contradicted by the whole experience of the South where, for generations, the Negroes were almost the only skilled workers. The competition with Negro skilled workers was such that the white people of the laboring classes were the unskilled, and even today I should say that the unskilled white people in the South are the most unskilled white people in the world. I think that is true. It is due to competition in the earlier days with Negro skilled labor.

Much of the finest work that was done, most of it, in the earlier days, was done by Negroes, and yet even in the South they have forgotten that and have grown up in the tradition that Negroes can't do skilled work. That whole chapter of history is against that.

Senator AIKEN. I am wondering if a good deal of the discrimination isn't founded on that historical basis?

Dr. ALEXANDER. The historical basis would indicate that they could do it. The demonstration has been made; they have forgotten their history.

Senator AIKEN. Does the average employer know that?

Dr. ALEXANDER. Perhaps not.

Senator AIKEN. I don't think he does. I think a good deal of the discrimination has been unconscious discrimination and an unawareness of the facts.

Dr. ALEXANDER. But you have always got, somewhere, enough people doing these jobs to demonstrate to the contrary.

Senator AIKEN. That is all.

Senator CHAVEZ. Well, you have the many Negroes that have gone into the Detroit area, Gary, Ind., and south Chicago, working in mechanical trades and doing good work.

Dr. ALEXANDER. Certainly.

Senator TUNNELL. I am not a Pennsylvanian, but I heard the comment about the religious discrimination in Pennsylvania and I wondered if that wasn't somewhat answered in the last election in Pennsylvania?

Dr. ALEXANDER. I am not an expert on politics, Pennsylvania politics, so I would rather not comment.

Senator CHAVEZ. Thank you, Doctor.

Dr. ALEXANDER. Thank you.

(The prepared statement submitted by Dr. Alexander is as follows:)

THE NEED FOR A PERMANENT FEDERAL PROGRAM FOR FAIR EMPLOYMENT PRACTICES

THE INTEREST OF THE AMERICAN COUNCIL ON RACE RELATIONS

In response to Senator Chavez's telegram of March 8, 1945, I am happy to represent the American Council on Race Relations at the hearing before the Senate subcommittee of the Committee on Fair Employment Practice. The American Council on Race Relations has been working in more than a score of industrial communities during the last 6 months. It has been concerned primarily with giving counsel and guidance to these communities in meeting their problems of intergroup relations. As a result of this experience, the council believes that the possibility of inadequate job opportunities for minority groups in the post-war period presents the greatest single threat to harmonious intergroup and interracial relations.

THE PROBLEM

It is important to observe that at the close of this war certain minority groups, particularly Negroes and Spanish-Americans, will have more to lose than they had after the First World War. They have made much more occupational advancement and have secured a place in a vastly larger number of industries and individual plants than in World War No. 1. Nor is this all. These workers have made significant gains in labor-union participation. Most important, they have secured a foothold in production work which they did not have prior to the war. Any period of prolonged unemployment or any situation in which minorities are grossly discriminated against will lead to their being relegated to the hot, the heavy, the dirty, the insecure, and to no jobs. This will bring want and misery, but equally important is the fact that it will create frustration and disillusionment. There will be intense resentment on both sides of the color line and serious tensions and conflicts will arise.

The most immediate situation which we face is that of reconversion. It is obvious that this will involve the temporary unemployment of millions of workers. It can lead to the displacement of minorities from the desirable production jobs they have recently entered, and the unavoidable unemployment during the reconversion period may become permanent for certain groups. At the same time, we know that reconversion will involve drastic shifts in the demand for labor. The construction industry will expand, and the number and proportion of workers in service industries, public and semipublic utilities, wholesale and retail trade and the like will increase. These shifts in the demand for labor have serious implications for minorities. They may mean the relegation of minority workers to the unskilled and lowest-paid occupations, or they may mean the expansion of industries which now have strong color bars and which will employ only a small proportion of Negro and other minority-group workers unless their present prac-

tices are changed. One thing is sure, the reconversion period will occasion the rise of pay rolls in industries and firms which, as a whole, employ a lesser proportion of nonwhite workers in a much more limited and lower range of occupations than do most war plants. If there is no vigorous program for encouraging fair employment practices in the near future and during the conversion, many of the occupational gains of minorities will be quickly wiped out in the peace.

Because of the high visibility of certain minorities and the prevalence of the color line, once nonwhites lose their places in desirable types of work, they do not automatically reestablish themselves in these occupations when there is a shortage of labor. The practice of not using them quickly becomes accepted, and their employment is strenously resisted. Meanwhile, they become more insistent and there is constant danger of conflict. The most effective way to minimize this potential conflict is to plan now to preserve and encourage widespread use of minorities in American industry.

THE NEEDS

1. Uninterrupted continuation of effective machinery to maintain desirable racial occupational patterns. The racial occupational patterns which are being established now and which will be established during the early phases of reconversion will do much to determine the number and kinds of jobs minorities will ultimately find in civilian production. Our wartime experience has illustrated that effective Federal action to secure fair employment practices cannot be achieved unless there is a central agency specifically authorized to secure compliance with national policy against discrimination in employment. Such an agency will be needed in the future to see that minorities are given an opportunity to participate fully in civilian production.

2. Establishment of machinery to assure fair employment practices on publicly financed construction. The importance of the construction industry during the transitional period cannot be overstressed. On many local levels, there will be large-scale programs of public works financed, in part at least, by the Federal Government. It is important that these programs establish fair employment practices. Such practices will lead not only to much needed jobs for minorities but will also influence favorably the racial employment patterns of privately financed construction. This is especially true since one of the most difficult problems incident to minorities' employment on construction has been the matter of union affiliation. And the significant gains which have been made by minorities in securing union affiliation in the building crafts in the past have been initiated primarily on publicly financed projects where nondiscrimination contract clauses have been enforced.

3. Establishment of acceptance of minorities in as many new occupations, industries, and firms as possible between now and the end of the war. It is clear that there will be drastic shifts in the demand for labor. Most of the industries, such as shipbuilding, iron and steel, nonferrous metals, and ordnance, which will greatly reduce their post-war labor forces now employ a large proportion of minority-group workers. Most of the industries (with the exception of construction) which will expand their employment, such as electrical goods, printing, public and semipublic utilities, wholesale and retail trade, and amusements, have traditionally hired few nonwhite workers. It is important, therefore, that in the remaining months of full employment before reconversion, efforts be made to introduce minority-group workers in those industries and firms which will be important in the post-war period.

It is obvious that such introduction can be achieved most effectively in a tight labor market. It is also clear that patterns of exclusion will not give way unless there is effective machinery to break them down. The recent experience of the Committee on Fair Employment Practice in effecting the introduction of Negroes as platform operators on local transportation systems indicates the type of development which the Committee on Fair Employment Practice can and must pursue in the near future if minority groups are to be in a position to consolidate their wartime employment gains in the peace.

The American Council on Race Relations has observed these economic problems with great concern. It has analyzed situations on the local level in many cities. In the process of doing this, the council has talked with management, labor, minority groups, community leaders, and the general public. As a result of this experience, it is convinced that the need for a strong, vigorous, and effective Government policy and machinery for fair employment practices is more urgent

today than ever before. New racial occupational patterns have been initiated in many localities, industries, firms, and occupations. Labor unions, industrial management, and community organizations have, under the pressure of wartime necessity, changed practices which they formerly said could not be changed except over a long period and with a slow process of education. It is important that these gains be preserved as far as possible, and in order to preserve them it will be necessary to accelerate and strengthen governmental action to secure fair employment practices.

THE PLACE OF EDUCATION

Whenever social change is proposed and admitted to be desirable, there are those who advocate education as an answer in itself. Usually they fail to realize that the only effective education is that which results from doing. During the past 3 or 4 years, for example, industry, labor, and the public have been exposed to and have participated in more education about minority-group participation in American industry than ever before in our history. But this education came as the result of action.

Industry learned how to integrate nonwhite labor because economic necessity and Government regulations required it to hire colored workers. Prior to the manpower shortage, management stated that the introduction of Negroes and Latin Americans was a social problem, and as such could not be solved by industry. By 1942 the war had occasioned a change of attitude on the part of some employers, and the American Management Association issued an excellent booklet on The Negro Worker. This booklet analyzed management's experience and opinion on the employment and integration of the Negro in industry. It opened with this significant sentence: "Today's urgent need for manpower effectively removes Negro employment in industry from the realm of social reform." The report stated:

"While the war has precipitated the question of the minorities in industry, it is a question that is bounded neither by the beginning nor the end of the present conflict. Prior to the onset of the present emergency, there existed a tacit agreement to refrain from dealing with this personnel problem in an objective, systematic fashion. By failing to make it articulate, by proceeding largely on a trial-and-error basis, it was hoped that somehow the situation would take care of itself."

Management has learned how to introduce and integrate Negro labor. In the process, it has given education to its supervisory staffs and to workers. In some instances, it has taken the lead in educating the public to accept this much-needed change in the racial composition of industrial workers. But it took these measures of education only after it realized that it had to act.

Labor unions, too, have had similar experiences. In some instances, international officers of unions were convinced of the necessity and desirability for nondiscriminatory hiring and union practices. The war and governmental regulations forced them to act or enabled them to take more forthright and direct action. When they faced this necessity, they met the issue of Negro upgrading and initiated most effective educational programs for intergroup understanding. Even in instances where there were union constitutional and ritual bars to Negroes, war and Government policy have occasioned relaxations. And in the wake of these relaxations, there has come effective education.

THE PLACE OF LEGISLATION

Legislation in itself, of course, never eliminates a social evil. But throughout our history we have controlled many undesirable practices by enacting laws and establishing governmental machinery to deal with pressing problems. The denial of equal work opportunities to any group in a democracy is a pressing problem. It can be, as it has been, influenced by Federal action. The problems of the future, however, are different from those which existed in a war when the largest segment of the economy was engaged in filling Government orders. Soon the Government will no longer be the principal customer in this country. Consequently, if the Federal Government is to perform its function of encouraging fair employment practices, it must be prepared to influence racial employment practices in industries engaged in production for interstate commerce. To do this effectively and to encourage a real program of education, it must establish a permanent agency which is not dependent upon emergency, wartime powers for its existence.

If we intend to minimize and ultimately eradicate discrimination in employment, we must start now to deal with this socially undesirable practice in industries which will expand in the post-war period. We must have an agency which has legislative authorization and powers of enforcement. This agency will be effective in encouraging education only if it is prepared and equipped to take action so that education can be centered around new and improving situations. We have made a start in the emergency of war. Just as America's success in achieving full employment during war is a challenge to our peacetime economy, so the success in encouraging fair employment practices through Federal action to date is a challenge to our peacetime democracy.

Senator CHAVEZ. Is Mrs. Worrell here?

Mrs. WORRELL. Yes.

Senator CHAVEZ. Will you kindly identify yourself for the record and tell us whom you represent?

STATEMENT OF MRS. RUTH MOUGEY WORRELL, EXECUTIVE SECRETARY, UNITED COUNCIL OF CHURCH WOMEN

Mrs. WORRELL. My name is Ruth Mougey Worrell, and I am the executive secretary of the United Council of Church Women, and was formerly the executive secretary of the Council of Church Women in Ohio.

I come to express the view of the United Council as testified by their national assembly on November 16, 1944, and in action taken by their national board on November 17, 1944, when it was voted, and I quote:

That the United Council of Church Women work for the passage of H. R. 3986 and S. 2048 by Congress, to establish a Permanent Fair Employment Practice Commission with enforcement measures.

It was further voted at that time to send telegrams to Congressmen and to the President of the United States asking him to put his full weight behind the passage of those bills.

The United Council of Church Women is an organization which, through the denominations working with it, represents some 10,000,000 Protestant women in the United States. From the beginning it has sought to serve all peoples regardless of race. Its president is Mrs. Harper Sibley and its officers and national board are chosen from among women of all races. There are at the present time on the board 6 Negro women, one of which is the third vice president, a Nisei, and a Chinese, as well as an American Indian. Its employed office staff and its committee's volunteer workers are interracial. At the recent biennial assembly, held in Columbus, Ohio, November 14, 15, and 16, 1944, studies which had been prepared by groups of church women in local communities were presented.

The Boston Council of Church Women presented one on "A Critical Study of Prejudice, Its Cause and Cure"; the Chicago Council, a study of "A World View of the Colored Problem"; and the Detroit Council on "Our Profession Versus Our Behavior."

One of the basic bylaws of our council's constitution is that its meetings shall at all times be held "under conditions in which there shall be no racial discrimination." Our United Council feels a keen sense of responsibility for the welfare of all people. It seeks to make real the premises of the Constitution of the United States of America that justice and equality under law be made available to every man, woman, and child.

The minimum requirement in the accomplishment of this seems to us to be the equal opportunity for all people to work. Until every American has this chance, and its ensuing benefits of food, clothing, shelter, and recreation, no American is safe in claiming such a privilege. The moral laws of God for man make it imperative. Because we believe so thoroughly in the basic right of every citizen to work, regardless of race, color, or creed, a principle which we are striving to demonstrate in our own organization, I speak today in favor of Senate bill 101. We believe that a democratic Government should pass legislation that would insure every individual this right to work, without discrimination, and would provide for the enforcement of such law.

We regret that Mrs. Sibley, our president, is not here to speak for us today. She is on the west coast and was not able to appear at this hearing, so I quote the message which she sent to Hon. Irvin M. Ives, of the New York Assembly, during its recent debate on the Ives-Quinn bill for a permanent Fair Employment Practice Commission:

> The United Council of Church Women, meeting in national assembly November 1944, voted to approve passage of bill to establish permanent Fair Employment Practice Commission. We therefore urge now passage pending bills against the discrimination as recommended by the State commission. This action we believe necessary to maintain the integrity of our democracy and the fundamental principles of Christianity on which our country was founded; also to give meaning to statements made by representatives of the United States in recent international conferences.
>
> Mrs. Harper Sibley.

I also quote from a message which Mrs. Sibley has written and which has recently been sent to church women of America:

> At this moment, when America is being called upon to take part in the creation of a new world organization with justice for all, we are stabbed by the consciousness of many shortcomings in our own country. Therefore, the United Council of Church Women calls us to meet, each in her own town, to consider how she may minister to its needs. America has dared to anticipate the creation of one world by welcoming to her shores people of every race and tongue, and nation and religion. Let us see to it that all these Americans are sharing in the privileges which are ours. Let us ferret out those customs, attitudes, and practices which are unworthy and un-American, that our beloved country may come to its new responsibility with clean hands. I covet for our United Council of Church Women a share in this task of building a new America in the world that is to be.

We believe that, because Senate bill 459 is inadequate in that it does not carry enforcement provisions, that we are going to put our support back of Senate bill 101.

Senator Chavez. That is a fine statement, and we want to thank you very much.

Senator Tunnell. I think Mrs. Sibley sent a very good substitute.

Mrs. Worrell. Thank you. I am sorry she couldn't be here.

Senator Chavez. Your organization is national in scope?

Mrs. Worrell. National in scope, yes.

Senator Chavez. It is represented in every section of the country?

Mrs. Worrell. Every section of the country, yes.

Senator Chavez. What about the individual States; is every State represented?

Mrs. Worrell. Every State is represented.

Senator Chavez. Thank you very much.

Mrs. Worrell. Thank you.

Senator CHAVEZ. Is Mr. Greenberg here?

Mr. GREENBERG. Yes.

Senator CHAVEZ. Will you state your name for the record, and whatever additional information you wish to appear.

STATEMENT OF ARCHIE H. GREENBERG, NATIONAL COMMANDER, JEWISH WAR VETERANS, NEW YORK CITY

Mr. GREENBERG. I am Archie H. Greenberg, the national commander of the Jewish War Veterans of the United States.

All of us at this hearing—those who favor the original S. 101, and those who favor the amendment introduced by Senator Robert Taft—are agreed that discrimination on the basis of race, color, or creed, is un-American. Where we differ is on the basis of whether or not we believe that economic discrimination can be successfully legislated out of existence. No man can definitely say that he knows the answer to this serious problem.

On the other hand we do know that even during the war emergency—during which there has been and still continues to be a critical manpower shortage—there has been a continuing discrimination in employment on the part of some short-sighted employers. In all likelihood, discrimination in employment is likely to be accelerated in the post-war period when over 12 million veterans return to the labor market and when there exists the serious possibility of a slackened industrial production.

Knowing that employment discrimination on the basis of race, color and creed has not been halted even during the critical manpower shortage, it is a very safe assumption that it will not be curbed in the post-war period if we are to continue our laissez faire policy in regard to legislation on the subject of employment discrimination. Surely the record of the war years is not an argument against the creation of a permanent Fair Employment Practice Commission that has the power of enforcing decent American practices in employment.

There is no doubt in my mind that all of us are agreed that no returning American veteran—of all Americans—should be denied employment solely on the grounds of his race, creed, or national origin. Because we have no system of guaranteeing the returning American veteran against discrimination, it thus logically follows that there exists an extremely strong case for the enactment of S. 101, which provides a technique by which recalcitrant employers can be prosecuted if they indulge in employment discrimination. If, while our boys are fighting and dying for the preservation of American democracy, we do not provide guaranties that they will return to a land that provides economic as well as political democracy, the American Congress, as representatives of the American people, will have been negligent in not living up to their sacred obligations to our valiant G. I.'s.

The United States has become the gretest power in the world because our ancestors, who have come to these shores from all over the world, have been pioneers in the truest sense of the word. S. 101, in its unamended form, is pioneer legislation. It mustn't be opposed because it has never been tried before; it mustn't be opposed because it may have some "bugs" in it, or because it may not provide the ultimate so-

lution. Rather, it must be enacted because it is forward-looking legislation that seeks to provide a practical, enforceable technique of correcting a wrong that exists in this country.

The Taft amendment is nothing more than a pious expression against discrimination in unemployment. It doesn't provide the permanent Fair Employment Practice Committee with the power to enforce its decisions, and doesn't compel employers to live up to nondiscriminatory fair-employment practices.

Those who argue against giving the F. E. P. C. the life-giving strength of enforcement, present arguments based upon the bugaboo of Government interference with the right of management to hire such employees as they see fit. Those who seek to cripple the F. E. P. C. by making it entirely advisory and investigatory pretend to see new labor-management abuses that will be intensified by legislation preventing discrimination in unemployment. These are defeatist voices, persons with no respect for democratic practices, and who have absolutely no faith that men of good will can work out disputes in the American way without resort to subterfuge, blackmail, or trickery.

To these people, I would say that the United States Government has conducted the largest mass procurement in the history of the world through a Selective Service Act that worked without discrimination based on race, color, or creed. More than 12,000,000 men have been hired by Uncle Sam to fight for democracy, and they have a right to know that the Congress of the United States has taken steps to provide that when they return to civilian status American industry will rehire them similarly without prejudice based on race, color, or creed.

The Taft bill has no enforcement provision and, in the words of the Washington Post, it thus—

> proposes, by a wave of the legislative wand, to transform the projected Fair Employment Practice Commission into a disembodied spirit.

We want an F. E. P. C. in more than an innocuous state. We want legislation that forbids the Federal Government from giving out contracts without including a clause forbidding discrimination. We want legislation that provides relief for those found to have been discriminated against. We want legislation by the Federal Government itself that will be an example to private industry by providing for the dismissal from Federal service of officials found guilty of willful discrimination. And, most important, we want legislation that gives the F. E. P. C. the power to enforce its decisions through the usual court practices. All this is provided by the original bipartisan bill, S. 101—all this is evaded by the Taft substitute.

Therefore, we of the Jewish War Veterans of the United States stand 100 percent behind S. 101 and 100 percent opposed to the crippling Taft substitute. In behalf of the 250,000 Jewish veterans of World War No. 1, and the more than 500,000 Jews who are presently serving in the armed forces of the United States, some of whom will undoubtedly be restricted in employment opportunities because of their religious faith, if there is no F. E. P. C. enacted, we of the Jewish War Veterans of the United States respectfully and unequivocally urge that this committee report favorably to the Senate on S. 101 in its unamended form.

Senator CHAVEZ. Senator Tunnell, do you have any questions?

Senator TUNNELL. It seems to me from your statement that S. 459 is something more than a pious expression, that it is really a method by which a delay in any effective relief will be brought about, isn't it?

Mr. GREENBERG. Well, I will accept your statement as a fact.

Senator CHAVEZ. Thank you, Mr. Greenberg?

Mr. GREENBERG. Thank you, sir.

Senator CHAVEZ. Mr. Adams?

Mr. ADAMS. Yes, sir.

Senator CHAVEZ. Please identify yourself for the record, and tell us who you represent.

STATEMENT OF DR. JAMES B. ADAMS, CHAIRMAN, COMMISSION OF SOCIAL SERVICE, NATIONAL BAPTIST CONVENTION, INC.

Dr. ADAMS. My name is James B. Adams, chairman of the Commission of Social Service of the National Baptist Convention, Inc.

We have a membership of upward of 4,000,000 communicants.

We are interested in Senate bill 101 and we urge the passage of such a bill to create a permanent Fair Employment Practice Commission, for the following reasons:

This bill will set the pattern for abolishing discrimination against Negroes and other minorities in employment; and, secondly, it will open to the great Republic of the United States of America a new era and a new area, in the execution of the principles to which we are dedicated as a Nation, of freedom and opportunity to all its citizens without regard to race, creed, color, or national origin.

It will contribute materially to the self-respect of the American Negroes, and aid greatly in relieving the altruistic and philanthropic people of America from carrying the burdens of the education of Negroes because of the inequitable salaries and the lack of opportunities offered throughout the country in various industries, public utilities, and private enterprise.

This bill will tend to abolish a now existent second-hand citizenship in America. Such a citizenship is always an expensive and demoralizing citizenship, and tends to encourage discrimination in all areas.

If I may be allowed to indulge in a little preachment, it took the old Roman Empire 150 years to cement the Patricians and the Plebeians into Romans and into full Roman citizenship. So, when the Apostle Paul would have been put to death for preaching the Gospel, he was able, because of a united Roman Empire, to sustain himself by appealing to Caesar and declaring, "I am a Roman citizen."

For nearly 300 years Negroes have been in America, and until now we do not have full citizenship rights to work and to participate or to integrate ourselves into American life.

We found that in December 1941, when Pearl Harbor threw us into the World War, that there were 250,000 Asiatics in America and that they had, in a period of 50 years, accumulated $3,000,000,000 of American wealth. In 80 years of freedom on the part of the Negro, and 300 years on the part of his existence in America, 13,000,000 American Negroes had, in this same time, accumulated only $3,000,000,000 of dollars in American wealth.

The failure of the Negro to accumulate more is due primarily to the discrimination in various areas against Negroes on account of their color or previous condition.

We urge the passage of Senate bill 101 as an instrument to assure all American citizens fair employment and full citizenship.

I wish to quote a paragraph or two from the Statement of Program passed by our convention 3 years successively—in the city of Cleveland in 1941, in the city of Memphis in 1942, and in the city of Chicago in 1943:

> Unless the church becomes interested in what goes on in industry, government, racial equality in work, and participation in all phases of American life, equal pay for teachers, equal appropriation for education, justice for farmers, laborers in every trade and craft, other organizations will supplant its influence, and the Negro will be justified in leaving an indifferent church. This program means watching legislations at Washington and every State capital, and every city in the United States. It means the assembly of facts, conditions, and the scientific approach to the problems of our people by an efficient social service national office, and State bureaus in every State.
>
> It means that the National Baptist Convention with its social service commission will keep alert to the meaning and practice of the "four freedoms," as were expressed in the Atlantic Charter. * * *
>
> It means that the National Baptist Convention will have a permanent commission through which to present the causes of the Negro, a commission which will be supported by 4,000,000 Negroes already organized in upwards of 23,000 churches in every hamlet and city in America. * * *
>
> Our program both at home and abroad will focus special attention upon social legislation, social action, and social welfare. This will relate itself to the whole field of employment, relief, and social adjustment. These issues all are not in the main political but moral. They deal with justice and human life, therefore they are religious issues.

I should like to read our resolution passed at Dallas, Tex., in September 1944:

> Because of the constant discrimination against Negroes throughout the Nation, purely on account of their color and previous conditions of servitude, and because such discrimination affects the social, the economic, the educational, and the religious life of 13,000,000 American citizens directly and indirectly, and because we feel and know that the worker has the right to be employed and paid solely on the basis of his character and ability, and because this right is so morally clear that it should be protected by law and safeguarded by appropriate Federal and State legislation; be it
>
> *Resolved*, That the National Baptist Convention, Inc., under its social-service commission, urge the Government to establish a permanent Fair Employment Practice Commission to achieve the objectives which have been sought by the Committee on Fair Employment Practice; be it further
>
> *Resolved*, That the social-service commission of the National Baptist Convention be authorized to represent this convention at any point in the United States where the question of Negroes is under consideration or discussion for fair treatment in employment or social welfare, and in all areas where discrimination is practiced against our rightful heritage as American citizens.

Senator CHAVEZ. Is the organization that you represent a Nation-wide one?

Dr. ADAMS. Yes, sir.

Senator CHAVEZ. What about the individual States?

Dr. ADAMS. Each State has a separate Baptist convention. The president of each State convention is a vice president of the National Baptist Convention, and we have State conventions in every State in the Union, except Vermont, New Hampshire, and Maine.

Senator TUNNELL. Do you think that S. 101, if enacted into law, will be an effective remedy for your group?

Dr. ADAMS. I do.

Senator TUNNELL. You would be satisfied with that effort, anyway?

Dr. ADAMS. I will certainly be satisfied.

Senator CHAVEZ. Thank you, Doctor.

Dr. ADAMS. Thank you.

Senator CHAVEZ. I understand that there is a delegation present from the State of Michigan, which desires to be heard on these bills. Am I correct in that, and if so, who represents that delegation?

STATEMENT OF REV. HORACE A. WHITE, CHAIRMAN, DETROIT COUNCIL FOR PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION

Mr. WHITE. We have a number of people here representing labor, church, civic groups, political units of all kinds, and so forth, and we came down today, certainly representing all of the forces in Detroit, to let it be known that we are certainly for a bill such as S. 101, with enforcement powers.

Senator CHAVEZ. How many persons do you feel you represent?

Mr. WHITE. We know that we represent all of labor—we have C. I. O. people here and A. F. L. people here; the Catholic groups are represented here; the Protestant groups are represented here. We feel that we represent the majority of organized effort in the city of Detroit.

May I read the names of the people and the organizations whom I represent?

Senator CHAVEZ. You might give them to the reporter.

Senator TUNNELL. I would like, in fairness to Horace White who is now speaking, to say that I think he practices what he preaches. I was in Detroit last year and he took pains to be very nice to me. There was no discrimination against me. [Laughter.]

Mr. WHITE. We let him stay at a good hotel and picked him up and fed him well.

Could I say one thing that hasn't been dealt with, Mr. Chairman?

Senator CHAVEZ. Yes.

Mr. WHITE. The argument will come that you can't legislate against prejudice. Nobody is quite so presumptuous. But we can legislate against the result of prejudice, and that is what we have always done, and it seems to me that that is what we ought to stick by in passing any such legislation. You educate people by passing laws. You didn't educate slavery out of this country, you legislated it out, and now we are in process of educating it out.

Senator CHAVEZ. You want it legislated as to economic conditions.

Mr. WHITE. That is right.

Senator CHAVEZ. Thank you very much.

(The persons and organizations in the delegation represented by Mr. White, were as follows):

Mrs. Margaret Smith, Michigan Citizens Committee.
Mrs. Dorene Gentile, Metropolitan Council, F. E. P. C.
Mr. George W. Crockett, Fair Practice Committee, U. A. W.-C. I. O.
Mr. Gloster Current, Detroit Council, N. A. A. C. P.
Mr. Jack Raskin, Civil Rights Federation.
Mr. Harry Reid, National C. I. O. Committee.
Mr. William Valentine, Detroit Urban League.
Mr. Nat Hammond, Local 157, U. A. W.-C. I. O.
Miss Frances Price, Institute of Applied Religion.
Mrs. Sadie Mullins, Council for Permanent F. E. P. C.
Miss Vera Vanderberg, Detroit Council, National Negro Congress.
Miss Mattie Wilkes, Lewis Business College.
Mr. Paul Fields, Lewis Business College.
Mrs. Odell Glover, Lewis Business College.

Mrs. Beatrice Preston, Detroit Association of Women's Clubs.
Rev. C. E. Askew, L. B. P. O. E. of W.
Mr. George Denis, Ford Local 400.
Mr. Frank Newberg, Workmen's Circle of Michigan.
Mrs. Lillian Hatcher, War Policy Division, U. A. W.
Miss Audrey Davis, Lapeer, Mich.
Mr. Robert Nathan, Jewish Community Council.
Hon. Haywood Maben, Congressman, First Congressional District, Detroit, Mich.

STATEMENT OF HARRY REID, REPRESENTING CATHOLIC INTERRACIAL COUNCIL OF THE CITY OF DETROIT, AND THE NATIONAL CONGRESS OF INDUSTRIAL ORGANIZATIONS COMMITTEE

Mr. REID. My name is Harry Reid. I represent 700,000 C. I. O. members in the State of Michigan, through the Michigan C. I. O. Council. I am also here as a representative of the Catholic Interracial Council of the City of Detroit, and I would like to be heard on behalf of both of those groups.

Senator CHAVEZ. Well, we will be glad to hear you, but you will have to make it as short as possible because the Senate is in session and it will be necessary for Senator Tunnell and myself to get back there as soon as possible.

Mr. REID. My statement is extemporaneous and will be very brief.

Senator CHAVEZ. That you, sir.

Mr. REID. We in Michigan are very gravely concerned with this. As you probably know, we have had difficulties and disputes out there. Within the C. I. O., for example, we have set up in the State of Michigan, as we have on the national level, committees to carry out, as far as we can, the very things that are recommended in this legislation.

I am rather unhappy over the fact that anybody has to come to the Congress of the United States to seek this type of legislation. It is unfortunate that in the business world, and likewise in some of our unions—I will say that frankly—we find that there is a need for such legislation. There are certain groups of people that cannot be reached. I only wish I could say that the business organizations of this country were taking the same interest in the problem which we are taking.

We do not believe it a good thing for the United States that 13,000,000 citizens—to mention only the Negroes against whom discrimination is practiced—should be deprived of their opportunity for a job and for equal pay and equal working conditions.

That is what we seek, primarily, in the C. I. O. That is what we are fighting for.

We are opposed to the Taft substitute for Senate bill 101, and to us in the language of the shop—and let me say that our opposition to it is based on the facts—comparing it to a fighting gamecock, it "lacks guts and feathers." That is our opposition to it.

Now on behalf of the Catholic Interracial Council of the City of Detroit, I just want to say that here we approach the thing on a moral ground. If we are to concede that Negroes, particularly, are human beings, we must then accept the brotherhood of man as laid down by Jesus Christ whose gospels we preach every Sunday and listen to in our churches, and we must admit these people to full equality.

As to their opportunity to improve themselves and get somewhere, they cannot do that so long as they are denied their economic rights.

Political rights, gentleman, I shall not go into as they are not concerned in this bill. Thank you.

Senator CHAVEZ. Thank you for your very fine statement.

We had another witness scheduled for today, Mr. Shad Polier, of the commission on law and legislation of the American Jewish Congress, who was unfortunately prevented from attending, but who has submitted a prepared statement which will be incorporated in the record of these hearings.

(The statement of Mr. Polier is as follows:)

STATEMENT BEFORE UNITED STATES SENATE COMMITTEE ON LABOR AND EDUCATION, MARCH 12, 1945, BY SHAD POLIER, ON BEHALF OF COMMISSION ON LAW AND LEGISLATION OF THE AMERICAN JEWISH CONGRESS, NEW YORK, N. Y.

The commission on law and legislation of the American Jewish Congress is a committee of attorneys who are members of the American Jewish Congress. They meet regularly to consider proposed Federal and State legislation affecting the political, economic, and social status and rights of the American people. The commission, therefore, has given long and careful consideration to S. 101, introduced by Senator Chavez, and S. 459, introduced by Senator Taft, both of which bills, we understand, are before this committee for consideration.

The commission on law and legislation has authorized and directed me to appear here to express approval of Senator Chavez' bill and disapproval of Senator Taft's bill.

Both bills recognize, as the American people generally have come to recognize, that discrimination on account of race, creed, color, national origin, or ancestry in employment opportunity and in union membership constitutes a grievous threat to the general welfare. Such practices both bills denounce as tending toward domestic strife and depressing the standard of living of a large part of our population, and adversely affecting the commerce of the United States.

The Taft and Chavez bills are also alike in establishing a permanent Fair Employment Practices Commission to be concerned with these discriminatory practices. At that point, however, the bills diverge basically.

Senator Taft's bill would limit the commission to conducting investigations and studies, publishing reports, and seeking by way of conciliation to secure the cessation of the discriminatory practices. Even in the field of employment by the Federal Government, the commission would not be permitted to take action other than to study, investigate and recommend legislation to Congress.

The Chavez bill goes beyond condemnation of discrimination by employers (including the Federal Government) and by labor unions because of race, creed, color, national origin, or ancestry. It establishes as a Federal right the right of all persons to be free from such discrimination and provides the administrative and judicial procedure necessary to secure the full enforcement of those rights. Discrimination in employment opportunities and discrimination in union membership are denominated unfair employment practices and the commission is authorized, after investigation and hearing, to require that they be terminated and that the injury caused the aggrieved individual be repaired. In common with the procedure of other Federal administrative agencies, the orders of the commission are not made self-enforcing but must be enforced by it in the Federal courts where they are subject to review as to their correctness in law and as to whether their findings of fact are supported by the evidence. Only after the court has by its own order provided for enforcement is disobedience punishable, and it is then punishable as a contempt of the court itself.

As we read the Chavez bill, it does not purport to cover the acts of all employers or the acts of all labor unions. Instead, wisely as a matter of policy, and necessarily as a matter of constitutionality, the Chavez bill restricts its operations to operation in interstate commerce or affecting such commerce. In addition, but entirely in the tradition of Federal legislation, the Chavez bill prohibits discrimination in employment by the Federal Government and by persons holding Government contracts. This last provision, of course, is similar to that in the Walsh-Healey Act of 1936.

The constitutional validity of the Chavez bill is beyond challenge. The Supreme Court of the United States, in *Labor Board* v. *Jones & Laughlin Steel Corp.*, 301 U. S. 1, *Consolidated Edison Co.* v. *Labor Board*, 305 U. S. 197, and in other decisions under the National Labor Relations Act, has firmly settled that the right of

an employer to hire and fire is subject to congressional regulation calculated to protect interstate commerce against disruption. Under the National Labor Relations Act, the Supreme Court had before it legislation prohibiting discrimination on account of union activities. That the constitutional authority of Congress to prohibit discrimination on account of race, color, creed, national origin, or ancestry is no less available, appears clearly from the statement of the Supreme Court in *New Negro Alliance* v. *Sanitary Grocery Co.*, 303 U. S. 552, 561, where the Court said:

"The desire for fair and equitable conditions of employment on the part of persons of any race, color, or persuasion, and the removal of discriminations against them by reason of their race or religious beliefs is quite as important to those concerned as fairness and equity in terms and conditions of employment can be to trade or craft unions or any form of labor organization or association. Race discrimination by an employer may reasonably be deemed more unfair and less excusable than discrimination against workers on the ground of union affiliation."

The constitutional authority of the Congress to prohibit unions to discriminate in membership because of the "obviously irrelevant and invidious" considerations of race, creed, color, national origin, or ancestry, is likewise now not open to question. In *Steele* v. *Louisville & Nashville R. R. Co.*, decided December 18, 1944, the Supreme Court of the United States pointed out that both under the Railway Labor Act and the National Labor Relations Act, labor unions are vested with an enormous power. A labor union chosen as the representative by a majority of the employees becomes the exclusive spokesman for all of them. It now has a "power comparable to those possessed by a legislative body both to create and to restrict the rights of those whom it represents." For this reason, the Supreme Court concluded, the Railway Labor Act and the National Labor Relations Act place upon a union "at least as exacting a duty to protect equally the interest (of the employees) as the Constitution imposed upon a legislature to give equal protection to the interests of those for whom it legislates."

It need hardly be added that any labor organization likely to be affected by the Chavez bill is already subject to and derives power and authority from the Railway Labor Act or the National Labor Relations Act. Consequently such labor unions are directly within the holding in the *Steele case*.

Insofar as the Chavez bill would require that persons contracting to do business with the Government shall, during the period of such relationship refrain from discrimination in employment, the authority of the Congress is manifest. As the Supreme Court of the United States has observed, "the Government enjoys the unrestricted power to produce its own supplies, to determine those with whom it will deal and fix the terms and conditions upon which it will make needed purchases." *Perkins* v. *Lukens Steel* (310 U. S. 113, 127.)

Finally, in its own relation as an employer, the Federal Government is, of course, paramount. Here the question of authority to require its agents to refrain from discrimination in employment derives not so much from any provision of the Constitution or to any judicial decision, but rather from the elemental principle that the Government should in the conduct of its affairs be an example to all employers.

The Commission on Law and Legislation opposes the bill introduced by Senator Taft for the simple reason that we believe it will be futile. The practices of discrimination which Senator Taft's bill itself denounces are too deep-rooted to respond to either exposure or conciliation. One might as well have sought to establish the rights of American workingmen to organize and to bargain collectively by a statute setting forth the evils of company unions, labor espionage, and union breaking, but making no provision for their elimination other than the good will efforts of a commission or board. Indeed, that is about what was tried in establishing thee first National Labor Relations Board to secure compliance with section 7–A of the National Labor Industrial Recovery Act.

We still remember, I am sure, the impunity with which that precatory law was flouted. We remember, too, I am certain the terrible disillusionment of American labor when it found that the right which its Government had promised was a right without sanction in law.

Needless to say, the sense of betrayal that will follow the enactment of the Taft bill will be vastly greater. For, to the extent that it was able to organize and by its own economic power achieve its rights, labor did make a reality of the pledge of section 7–A. Minority groups sought to be protected by a fair employment practices commission bill are not in so fortunate a position. Their right to equal opportunity, if it is to have substance, must be safeguarded by governmental action.

The Commission on Law and Legislation, in supporting the Chavez bill (as well as the Norton bill (H. R. 2232) reported by the House Committee on Labor) has no illusion that prejudice and bigotry can be eliminated by laws. They realize that these antidemocratic influences require the fullest utilization of education in our schools, in our churches, in our homes, and in our many community organizations. But the fact that prejudice cannot be outlawed is no reason why discrimination based upon prejudice cannot be stamped out. Discrimination is as capable of proof and of remedial order, whether it be discrimination on account of union affiliation or on account of race, color, creed, national origin, or ancestry.

Just as 10 years ago, this Nation arrived at a point in its history when it realized that a sound social, economic, and political system required that labor be protected in its right to organize and bargain collectively, so today we realize that discrimination in employment and in union membership, because of race, creed, color, national origin, or ancestry, not only can be but must be extirpated. We realize full well that without freedom from discrimination in employment and in union membership, we perpetuate a system in which victims of prejudice are deprived of the ordinary decencies and of the essentials of legal and economic equality. We know now that to permit such discrimination to continue is to fortify the base upon which prejudice maintains itself.

Like the present Fair Employment Practices Commission set up by the Executive order of the President, the Chavez bill has as one of its immediate purposes the fullest mobilization and utilization of our manpower to secure all-out production for the war. The war in another sense accounts also for the imperative desire of Americans for legislation at this time, which will last beyond the war.

Because we are fighting an enemy who has largely come to power through exploiting the creed of racial superiority, we have been made to realize in the deepest sense the gulf between our American ideals and our American practices. We now see clearly how hatred and war are bred by the destruction, subjugation, and humiliation of human beings because of their race, their color, their religion, their national origin, or their ancestry. Today it is impossible for us not to see that our own unity and our democracy are threatened by the continuance of such discriminatory practices in the vital matter of man's right to earn his daily bread.

We are all mindful of the great task of maintaining full employment in the post-war world. Difficult and challenging as that problem is, its wise solution cannot be achieved by dispossessing any person of the equal right to earn his living and support his family because of his race, color, creed, national origin, or ancestry. Readjustment to the economy of peace must be a readjustment for all persons upon an equal basis.

We have always been a Nation of minorities. We have expected, and have not been disappointed in our expectation, that all would respond to the call of the Nation for production on our home front and for valiant and courageous action on our battlefields. This war, waged at so terrible a cost in lives and materials, has welded us into a closer and sounder unity. That unity, however, will be fragmented and the faith of millions of our people in our democracy shaken unless the Congress enact legislation such as is proposed in the Chavez bill.

It is no answer to say that this country for a great many years got along without a Fair Employment Practices Commission. The world has changed, and with it our country has changed. We are waging a war against forces who deny alone in our resources of farms, factories, and manpower. Our strength is in our firm, everlasting conviction in the rightness of our belief that all men are created free and equal. We cannot expect our people to give completely of themselves for that principle in a war, and cast it aside in the pursuits of peace. We cannot expect it, and if true to our tradition we should take all possible means to assure that hereafter in our great Nation, equality in employment opportunity and in union membership will no longer depend upon race, color, creed, national origin, or ancestry.

Senator CHAVEZ. The committee will stand adjourned until tomorrow morning at 10:30 o'clock.

(Whereupon, at 12:15 p. m. the committee adjourned until Tuesday morning, March 13, 1945, at 10:30 a. m.)

FAIR EMPLOYMENT PRACTICE ACT

TUESDAY, MARCH 13, 1945

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10:30 a. m., in room 357, Senate Office Building, Senator Dennis Chavez (chairman) presiding.

Present: Senators Chavez (chairman) and Tunnell.

Senator CHAVEZ. The committee will come to order. Before proceeding with the hearing of testimony, I want to read into the record a statement received by me from the Most Reverend Robert E. Lucey, D. D., Archbishop of San Antonio Catholic Church.

STATEMENT OF HIS EXCELLENCY, MOST REVEREND ROBERT E. LUCEY, ARCHBISHOP OF SAN ANTONIO, TEX., ON THE PROPOSED TAFT BILL TO ESTABLISH A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION

The Taft bill to establish a permanent Fair Employment Practice Commission should be warmly welcomed and supported by all who do not believe in justice, good will, or the rights of man. This bill should be particularly pleasing to those employers who hate Latin Americans and colored folks and who show their hatred by unjust discrimination and low wages. The Taft bill is good news for those who prize their own prejudice above full production and peace in industry.

ROBERT E. LUCEY.

Senator CHAVEZ. The committee will come to order.

Due to the fact that there are two or three other committees holding hearings, some of the members of this subcommittee will probably be a little late, and some will not attend. But we will proceed with the hearings.

I will call on Mr. Clark Foreman. Is he present?

Mr. FOREMAN. Yes.

Senator CHAVEZ. State your name for the record, and whom you represent.

Mr. FOREMAN. Clark Foreman, of Atlanta, Ga., president of the Southern Conference for Human Welfare.

Senator CHAVEZ. Do you explain in your written statement the functions of your organization?

Mr. FOREMAN. Yes, I do, sir.

Senator CHAVEZ. Then you may proceed with your statement.

Mr. FOREMAN. All right.

STATEMENT OF DR. CLARK FOREMAN, ATLANTA, GA., PRESIDENT OF THE SOUTHERN CONFERENCE FOR HUMAN WELFARE

Mr. FOREMAN. As an organization of more than 3,000 southern leaders interested in the economic, educational, and democratic devel-

opment of the 13 Southern States, the Southern Conference for Human Welfare is concerned with prevalent practices of discrimination in employment.

We recognize that the general welfare of any region depends upon the use that is made of its manpower. We believe that discrimination against any section of the population harms the entire population. Second-class citizenship or caste preferment for jobs is undemocratic and threatens the freedom of all of us.

So long as this country permits discrimination, our workers will be divided and the sellers of hatred will be able to secure financial support from those who want to keep wages low.

We know that the economic prosperity of the South depends upon the economic and educational welfare of its Negro citizens, as well as its white citizens. In 1940 there were 9,291,792 in the 13 Southern States, representing 25 percent of our population.

During the war many of our Negro citizens have received a chance to use their full abilities in industrial jobs for the first time. In this same period we have witnessed advancements of from 50 to more than 100 percent in average per capita income in every Southern State. At no other time in history have the Southern States been so prosperous and our merchants and small businessmen throughout the South recognize that much of this prosperity is the result of the greater earnings of our Negro citizens. They realize now, as never before, that the prosperity of the South depends directly on the increase in the purchasing power of its people—all of its people.

While many thousands of Negroes have found industrial employment in almost every southern city, there is no city where they have been employed in numbers commensurate with their proportion of the population.

There follow figures showing the percentage of Negro population—1940—in selected southern cities and the percentage of Negro employment in war industries for these same cities—November 1944:

	Population	Employed		Population	Employed
Richmond, Va	31.7	29.0	Birmingham, Ala	40.7	37.9
Jacksonville, Fla	35.7	18.3	Chattanooga, Tenn	28.4	14.6
Fort Worth, Tex	14.2	7.4	Dallas, Tex	17.1	8.0
New Orleans, La	30.1	19.7	Houston, Tex	22.4	11.5

These figures represent sizable increases over pre-war Negro employment, but the gaps between percentage of employment and population are ample evidence that we do have a long way to go. And though we are thankful for the inroads made on discrimination in hiring, there is still a gigantic task to break down discrimination on the job and in firing. Advancements in position for Negro workers are not guaranteed by the fact of their employment, and protection for them and other minorities will provide a most important function for the proposed Fair Employment Practice Commission.

Nor do the foregoing figures represent all the industries of the South. The greatest of southern industries—the textile industry—still uses very little Negro manpower and excludes Negroes from skilled jobs. This same industry, it is well to note, has made constant demands on the War Manpower Commission for additional help in the manufac-

ture of its vital goods, while refusing to avail itself of the large reservoir of Negro citizens.

The broad support of business, labor, agriculture, and professional groups for the establishment of a Fair Employment Practice Commission is testimony to the need. Proposals for additional study and for advisory commissions are subterfuges by those who would retard the economic development of the Nation, divide labor, and hinder the progress of some of our racial and religious minorities. Those small groups who oppose the establishment of an F. E. P. C. with power to prevent discriminatory employment practices stand in opposition to the most fundamental and hallowed of American rights—equal opportunity.

A permanent F. E. P. C., guaranteeing equal opportunity for those with equal training and experience, irrespective of race, religion, national origin, creed, and the other qualities which put every American into one or more minority groups, is an important step on the way to genuine equality of opportunity.

The Southern Conference for Human Welfare view the establishment of a permanent F. E. P. C. as basic social security. It is essential to the security of individuals in racial, religious, and foreign-origin groups, and in that it protects our Nation from those practices which foster disunity and hatred, it is a measure for national defense. It is an elemental need if we are to build the economy of the South in accordance with its great natural resources and its wealth of strong manpower.

Senator CHAVEZ. How many persons would you estimate that the conference represents?

Mr. FOREMAN. Our membership, sir, is about 3,000 people in the South, whom we consider leaders. It is impossible to say how many people they would, in turn, represent, since it is an individual-membership organization.

Senator CHAVEZ. I believe that you stated the businessmen of the South were commencing to appreciate the fact that, due to the emergency probably, the income or the purchasing power of the Negro was increasing?

Mr FOREMAN. Yes.

Senator CHAVEZ. Putting it in simple language, the white man at the corner grocery store can sell more to a Negro who earns $30 a month than if he was earning $15 a month.

Mr. FOREMAN. That is right, absolutely.

Senator CHAVEZ. And you feel that the businessmen are commencing to appreciate that end of it?

Mr. FOREMAN. I think they are, and I think they are very anxious, the great majority of them, to keep that good business, which is only sound, common sense, as you say.

Senator CHAVEZ. Thank you, Doctor.

Mr. A. Philip Randolph, please. Will you identify yourself for the record?

Mr. RANDOLPH. I am president of the Brotherhood of Sleeping Car Porters.

Senator CHAVEZ. You may proceed.

STATEMENT OF A. PHILIP RANDOLPH, PRESIDENT, BROTHERHOOD OF SLEEPING CAR PORTERS, NEW YORK, N. Y.

Mr. RANDOLPH. S. 101 is a bill designed to enact legislation in the interest of fair employment opportunities for all workers, regardless of race, color, religion, national origin, or ancestry. The tragic display of racial discrimination in the various industries throughout the country has seriously hampered war production, and has provided an opportunity for a false cry on manpower shortage. The so-called manpower shortage would soon vanish were workers accepted without regard to race or color, and their labor and skills fully utilized in every phase of war production. For instance, in the railroad industry alone, according to the United States Railroad Retirement Board's report, setting forth some of the personnel needs of railroads as of February 1, 1945, were as follows:

Baggagemen, 49; boilermakers, 977; brakemen, 2,457; carmen, 3,131; electricians, 558; locomotive engineers, 70; locomotive firemen, 851; machinists, 3,356; telegraphers, 1,392; switchmen, 2,994.

Now, while the railroad industry needs the aforementioned number of employees in the various classifications named to do its war job, Negro workers who are competent to fill a number of these vacancies are not allowed to do so, because of racial discrimination. In fact, according to the hearings of the President's Committee on Fair Employment Practice in the case of the Negro railroad employees, held in Washington, D. C., September 15–18, 1944, a Southeastern Carrier's agreement was signed, February 18, 1941. This agreement was concluded between the Brotherhood of Locomotive Firemen and Enginemen and 22 southern railroads, in order to reserve "featherbed jobs" to the whites. These jobs meant firing locomotives with mechanical stokers or Diesel engines. By stipulating that only "promotable" men should be employed on Diesels—"promotable" meaning white—and by other clauses, this agreement meant that Negroes on all but two southern railroads were restricted to the ancient steampower, hand-stoked engine, and the lowest-paid and least desirable runs.

The net result of the nonpromotable agreement—said Dr. Herbert R. Northrup, consultant, President's Commttee on Fair Employment Practice, has been and is likely to be a wholesale displacement of Negro firemen.

Some of the undisputed facts established by the evidence at the hearings were:

That the present shortage of skilled white railroad labor has caused delay in the transportation of troops and war matériel, damage to rolling stock, and death or mutilation of young, inexperienced workers.

That racial discrimination has been practiced by the white brotherhoods over a period of 30 years as a definite attempt to drive colored workers from the desirable jobs; that close union collaboration with certain carriers permitted the development of intricate systems of employment and promotion control. That evasions, chicanery, and intimidation have been and are today being used against Negroes on the job by unions and management.

That during depression periods in 1921 and 1931–34 there were outbreaks of violence in the lower Mississippi region and Negro firemen were literally shot out of their cabs; 15 were killed and 29 wounded.

That though the white brotherhoods bar Negroes from membership, they assume to represent them in making contracts with the companies and in dealing with Government agencies. The evidence showed that the unions would handle no grievances for Negro workers if they involved more than routine matters between them and the management.

That the campaign to eliminate the skilled Negro from the roads has been so successful that between 1930 and 1940 the percentage of Negro firemen on the southern roads dropped from 41.4 to 29.5; and since 1910 the percentage of colored trainmen from 29.8 to 15 percent.

The Railroad Retirement Board report shows the personnel needs of individual railroads that are a bit enlightening. For instance, as of February 1, 1945, the Alton Railway Co. needed 13 locomotive firemen, 14 machinists, 10 brakemen. The Atchison, Topeka & Santa Fe Railway Co. needed 56 boilermakers, 28 electricians, 8 locomotive firemen, and 146 machinists. The Atlantic Coast Line Railway Co. needed 11 boilermakers, 63 brakemen, 104 carmen, 68 locomotive firemen, 35 switchmen, 54 machinists. The Baltimore & Ohio Railway Co. needed 325 brakemen, 33 boilermakers, 92 carmen, and 75 locomotive firemen. The Central of Georgia Railway Co. needed 12 boilermakers, 19 machinists, and 9 switchmen. The Illinois Railway Co. needed 29 locomotive firemen, 40 boilermakers, 39 brakemen, and 96 machinists. The New York Central Railroad Co. needed 97 boilermakers, 295 machinists, and 95 locomotive firemen. The Seaboard Air Line Railway Co. needed 19 boilermakers, 50 brakemen, 16 locomotive firemen, 74 machinists, and 30 switchmen.

These are but a few railroads that are in need of additional personnel, in the aforementioned classifications. Of course, there are a large number of other skilled jobs that are unfilled on the railroads, but it must be remembered that Negro workers are only acceptable in these jobs under pressure, and on some jobs even pressure, that is the request type of pressure, has failed to open the doors.

Yet, let me emphasize the fact that there are Negro firemen, switchmen, brakemen, machinists, boilermakers, electricians, and so forth, throughout the country now looking for work. But discrimination, on account of race and color, which is permitted to do business as usual, steps between the Negro workers and these jobs, and the consequence is, our war effort is hindered.

Now, if it is difficult to get Negroes into jobs for which they have the skills under the pressure of war needs, how much more difficult it will be for Negroes to get fair employment opportunities when the country moves from a war to a peace economy. But this problem of discrimination against minorities in employment relations in peace will not be any less challenging than it is during these times of war.

The same type of discrimination which prevails in the railways also obtains in the public utilities and many other industries throughout the country. The policy of some employers not to employ Negroes is justified by the claim that the Negro workers don't have union cards. Upon receiving this information, some of the Negro workers promptly go to the unions and request the opportunity to join in order to receive union cards to work in a plant under a closed-shop agreement, and they are politely advised that they cannot get union cards until they get union jobs. Thus they are caught between the two forces of

union evasion and employer discrimination. May I say that this is not true of all unions or all employers, but it is sadly true of far too many. Obviously, the Negro worker is victimized when both the shops and unions are closed. But, may I observe here, that I am by no means opposed to the principle of the closed shop, if the union is open to all workers, regardless of race, color, religion, or national origin.

But objection is raised to this bill, S. 101, on the grounds that it is coercive and that it is an attempt to eliminate race prejudice out of the hearts of employers and the workers; and hence S. 459, stressing education and legislation without enforcement powers, is urged. The fallacy of the Taft bill is to pose education as the opposite of legislation with enforcement powers. This is an example of setting up a straw man to knock down.

Legislation, in fact, is an important part of the process of popular education. Legislation provides the arena in which opportunity is afforded for the people in the schools, barber shops, churches, trade-unions, chambers of commerce, and fraternal lodges to discuss, debate, and explore all aspects of vital social issues so as to develop sound social thinking for the welfare of the country. But the people cannot discuss that which is not brought before them. The fight to secure the enactment of bills into law dramatically presents social questions to the people and helps to awaken and inform public opinion as to the significance of these questions.

This bill, S. 101, is not concerned with race or religious or nationality prejudice. It deals with only one thing, and that is the practice of discrimination on the grounds of color, religion, national origin, or ancestry, which deprives a worker of a job, or rather, his right to live, because on the job the worker receives wages, and with wages he buys food, clothing, and shelter, the basis of his life. Therefore, whoever seeks to prevent a worker from securing a job, because of any reason, is seeking to deny him the right to live, which is a very definite nullification of the basic principles of the Declaration of Independence and the Federal Constitution.

It is a fallacy to construe race prejudice as synonymous with racial discrimination. They are two different things. Race prejudice is an emotion or feeling. Racial discrimination is a practice. While we cannot by law make a white worker love a Negro worker, or a Protestant worker love a Jewish worker, or a worker in Boston love a worker in Atlanta, Ga., we can stop the workers from closing the shops and the unions at the same time. Laws can stop hoodlums from smearing synagogues and cathedrals with swastikas. Laws can stop mobs from lynching people for any reason.

I do not condemn the trade-union workers who discriminate against Negro workers and other minorities. Fundamentally, black and white workers do not fight each other because they hate each other, but they hate each other because they fight each other, and they fight each other because they do not understand each other. But if they work together, they will understand each other.

Now, the fair employment practice bill, S. 101, does not seek to make white workers, black workers, or Jewish, or Catholic workers love each other, but to respect each other's rights to work and to live. If laws are ineffective to prevent discrimination, why maintain them to continue discrimination, such as a Jim Crow car and so forth?

It is well-nigh axiomatic that the instinct to live in human beings, regardless of race or color, religion or national origin, is so strong that they will fight for the right to work in order to live.

Hence, it is apparent that color wars may beset and plague our country in the post-war period, as a result of increased tensions incident to discriminations in employment relations, unless the Congress shows the social vision and wisdom to enact S. 101. For this reason, the enactment of this bill will play an effective and constructive role in achieving social peace in our various communities in the post-war era.

Without fair employment to supplement and complement full employment, the poison of Hitler's fascism may get into the blood stream of our country and run to the heart of our Nation. In very truth, there cannot be full employment unless there is fair employment. This is true not only with respect to numbers but also in relation to the utilization of the skills of the minorities, and it is apparent that there cannot be fair employment without an F. E. P. C. law with enforcement powers.

This question of increased racial tensions in the area of employment is not an imaginary, but a real, danger. Now, the Taft bill cannot serve any useful purpose, because it has no enforcement powers and fails to make economic discrimination unlawful. Today, the 22 southern railroads and the Brotherhood of Locomotive Enginemen and Firemen have flouted the directives of the President's Committee on Fair Employment Practice. The Stacy committee, appointed by the President to attempt to unravel this problem, has been without effect and force. Why? Precisely because the President's Executive Order 8802 has no enforcement powers.

If this is true in wartime, how much more true will it be in peacetime, when we do not have a war emergency with which to appeal to the patriotic spirit of employers and unions?

The argument that a law with enforcement powers cannot achieve its objective will not bear examination. Witness the National Labor Relations Act, which has served the useful national purpose of providing an opportunity for workers to choose their bargaining agent, without coercion, interference, or intimidation. Before this act was on our Federal statute books employers discriminated against union workers, just as some of them now discriminate against minorities. The workers were afraid to join unions lest they be fired or not hired. The company union held sway, and the "yellow dog" contract was jammed down the throats of the wage earners. This is not so today. But 25 years ago violent abuses and recriminations were heaped upon the heads of the American workers who sought to organize. Union men were damned and secret detective agencies were employed to frame union men to destroy the unions. This is largely history now. The National Labor Relations Act is chiefly responsible for this change. Now we have a considerable measure of labor-management cooperation. The employers no longer look upon labor leaders as some dreadful monsters with horns on their heads, daggers in their teeth, and torches in their hands, bent upon the destruction of industry. The War Labor Board will attest that the war effort has been greatly advanced by labor-management committees in industries from one end of the country to the other.

If we enact this fair employment practice measure, S. 101, it will serve as a legislative educational force that will some day make it a matter of history when workers, on account of race or color, national origin or religion, are the victims of the abuses and violence and misrepresentation that are now their unhappy lot.

The present F. E. P. C. ends in June 1945 unless further funds are appropriated. The problem of fair employment practices, however, will not end. It goes right on through the war and the reconversion and the peace. What is urgently needed now is a permanent F. E. P. C. with its own enforcement provisions, with the same status as the S. E. C. and the N. L. R. B. and other Government regulatory commissions.

I feel that the F. E. P. C. is not a Negro question—though there are 13,000,000 Negroes in the United States, one-tenth of our population. It is not a minority question—though there are many Jews, Mexicans, Catholics, and other minority groups.

It is an American question. It is the four freedoms at home, where we and the rest of the world can see that the Atlantic Charter is not globaloney and help to make a democracy a reality in New York and Alabama, for our black and white, Jewish, Catholic, Protestant, Mexican, Filipino boys, when they return from the foxholes in the Southwest Pacific and other battlefields and the seven seas of this war.

This bill, S. 101, does not only serve the cause of better relations for the minorities in America, it also constitutes one of the major bastions of American democracy.

American democracy will support S. 101. Note the following poll:

NEGRO RAILROAD ENGINEERS SHOULD BE GIVEN CHANCE, SAY MAJORITY OF WHITE PUBLIC

Seventy-two percent of white people in the United States believe that Negroes qualified to be railroad engineers should be given a chance at the job, according to a Nation-wide survey by the National Opinion Research Center, University of Denver, released March 10, 1945.

Eighty-two percent of those interviewed in the North, but only 43 percent in the South, would give a Negro a chance at a railroad engineer's job.

Public attitudes on this issue are of particular interest, in view of the recent decision of the United States Supreme Court, which denied the right of the Brotherhood of Locomotive Firemen and Enginemen to enforce contracts discriminating against Negro engineers and firemen.

National Opinion Research Center's personally trained interviewers talked with a national cross section of the white civilian adults in every section of the United States—men and women, young and old, rich and poor, city residents, townspeople, and farmers. All were asked this question:

"If a Negro is qualified to be a railroad engineer, do you think he should be given a chance at this job?"

	Percent
Yes	72
It depends	3
No	20
Undecided	5
Total	100

Senator CHAVEZ. Is that the end of your statement?

Mr. RANDOLPH. Yes, sir.

Senator CHAVEZ. You stated that there were two railroads in the South that did use Negro employees. What is the record of their work—is it satisfactory?

Mr. RANDOLPH. Yes; satisfactory. The Florida East Coast Railroad has used all Negro locomotive firemen for many years, and about 2 years ago white firemen were employed. They have about six now.

Senator CHAVEZ. What is the other railroad?

Mr. RANDOLPH. The L. & N.

Senator CHAVEZ. They use Negro trainmen and enginemen?

Mr. RANDOLPH. Yes. And, of course, practically all of the southern railroads use Negroes in various capacities as brakemen, flagmen, and firemen. But the process of elimination has been going on as a result of the activity of the Brotherhood of Locomotive Firemen and Enginemen and the Brotherhood of Railroad Trainmen.

Senator CHAVEZ. You made a very fine statement, and I want to compliment you.

Senator Tunnell, do you have any questions?

Senator TUNNELL. No; I have no questions.

Senator CHAVEZ. Mrs. Allan Knight Chalmers, please.

Will the lady identify herself for the record?

Mrs. CHALMERS. I am Mrs. Allan Knight Chalmers, of New York City, representing the national board of the Young Women's Christian Association.

Senator CHAVEZ. Will you proceed with your statement?

STATEMENT OF MRS. ALLAN KNIGHT CHALMERS, NATIONAL BOARD OF THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION, NEW YORK, N. Y.

Mrs. CHALMERS. It is a privilege to come before this committee this morning as a representative of the national board of the Young Women's Christian Association, to present its views on the important legislation under consideration to establish a permanent Fair Employment Practice Commission, with the purpose of prohibiting discrimination in employment because of race, creed, color, or ancestry.

This is not the first time that the national board of the Young Women's Christian Association has appeared to support such legislation. In the summer of 1944 Dr. Emily G. Hickman, the chairman of the public affairs committee of our organization, testified before the Committee on Labor of the House of Representatives, urging passage of similar bills.

The concern of the Young Women's Christian Association in this bill arises out of the kind of organization we are; and, with your permission, I will read a letter written to Senator Chavez by Mrs. Henry A. Ingraham, our president, because it expresses so well the basis for our deep interest and concern:

> The Young Women's Christian Association includes all kinds of people within its constituency. Large numbers of its women and girls stem from the dominant native and religious groups in this country; that is, they are native-born or second-generation white people, and Protestants. Our latest national reports show that, in addition, our membership includes 7,443 foreign-born white people, 49,202 Negroes, 4,505 Indians and Orientals, while religiously we number 5,219 Jews and 59,407 Roman Catholics. These membership figures represent only a small part of our total constituency; within our groups of volunteers and participants in Y. W. C. A. service, education, and recreational programs throughout the country are numbered many other women and girls, many of them from the minority groups.
>
> The concerns of these people are, and must be, the concerns of the Young Women's Christian Association. Therefore, our interest in the bills to "prohibit discrimination in employment because of race, creed, color, national origin, or

ancestry" is no academic interest. It is a living, vital interest which roots in the daily lives of thousands of the people for whom, and through whom, we exist. We are concerned about all the facets of a full, abundant life for every individual we touch. We are at base a Christian organization, with deep concern for the spiritual welfare of our constituents; but we realize that just as man cannot live by bread alone, neither can he live without bread. For many years the public-affairs program adopted by our national conventions has included a section on economic welfare, which has given our national movement a charter to support proposals for the solution of our Nation's basic economic problems and to secure for Negroes and other minority groups an equitable share in economic opportunities.

We know from actual experience that there are many among the participants in our program today who are denied employment because of their race, religion, or nationality. Employment policies which limit opportunities to "white Christians" deny a fundamental right to many of our own members. Chief Justice Hughes in 1915 in a case involving immigrants said: "The right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the fourteenth amendment to secure. * * * (The contrary) would be tantamount to the assertion of the right to deny them entrance and abode, for in ordinary cases they cannot live where they cannot work."

We call this to your attention in connection with the bill your committee now has under consideration because we are convinced that a Committee on Fair Employment Practices, given legislative sanction and set up on a permanent basis, is one of the surest safeguards to the personal freedom and opportunity for which the United States of America traditionally has stood. We believe that without such a safeguard our country is all too sure to return when the hostilities between nations have ceased to a system which hires last and fires first the people of minority groups; and we shall have lost on our home front the struggle to make all the men in all the lands free people.

In addition to our desires to see our democracy maintain equal economic opportunities for all of our people, we are anxious to avoid the disastrous consequences of not doing so. To refuse economic opportunities to any group is to compel that group to remain at a low standard of living and to perpetuate for them bad housing conditions, high sickness and death rates, inadequate food, clothing, and education which sooner or later result in delinquency, and even criminal conditions and the possibility of race riots.

There is no need for the continuance of such conditions in our American life for our American citizens. They can be made largely to cure themselves if we will secure for the people involved adequate economic opportunities. In our opinion, this legislation will go far to insuring that members of minority groups shall find economic opportunities and we shall be enabled to improve their standards of living. Furthermore it would help to remove from our democracy the practice of economic discrimination against our own citizens.

Sincerely yours,

MRS. HENRY A. INGRAHAM, *President.*

I wonder if you gentlemen of the committee realize how great is the interest in this legislation among Y. W. C. A. groups throughout the country? The point I would like to make is that it is an informed interest. You may have had the experience that I have had with a good many people when I have spoken of going to Washington on F. E. P. C. legislation. A puzzled look comes over their face and they repeat blankly, "F. E. P. C., what is that?" That would not happen in the majority of the Y. W. C. A.'s of the country, I am sure.

Since the issuance of Executive Order 8802, we have sent out information from the national office so that our people across the country have had a chance to follow the ups and downs of the President's committee, and are fully aware why it is so important that there be a permanent commission with its authority stemming from an act of Congress, and with enforcement powers.

Furthermore, they are informed about the differences between various bills. May I express at this time what the National Board, in letters and telegrams to legislative leaders here, has expressed over and

over again? We are concerned that the legislation will be so drawn that it will be an enforceable instrument to deal with discrimination. For this reason we are firmly opposed to such a bill as S. 459, introduced by Senator Taft, because it provides for a voluntary system, which seems to us to be quite meaningless and ineffective in carrying out the purport of the bill.

If I may speak of a personal experience, I recently attended the hearing in Albany on the New York State F. E. P. C. bills, which have since been passed by overwhelming majorities, and signed yesterday by Governor Dewey. The thing that impressed me about the hearing was that the people expressed themselves in unmistakable terms as favoring this kind of legislation. They were not to be put off by proposals for a referendum or by suggestions that provision for enforcement powers be stricken from the bill. The overwhelming sentiment was for an effective instrument which would do away with the discrimination now suffered by members of minority groups.

I am told that the same sentiment prevailed at the Massachusetts hearings in Boston last week.

So I can say, as one representing the Young Women's Christian Association, and behind me please in imagination see a great throng of women and girls of the majority group, white, Protestant, and of the various racial, nationality, and religious backgrounds, please give us a strong, effective bill, such as S. 101 sponsored by your chairman, Senator Chavez. We are not to be put off with substitutes. We want real legislation which, with the aid of an informed public opinion which we pledge ourselves to continue to help informing, will result in doing away with the injustices and discriminations which now mar our American life.

Senator CHAVEZ. Thank you, Mrs. Chalmers, you have made a wonderful statement.

Senator TUNNELL. What is the total membership of the Y. W. C. A. in America?

Mrs. CHALMERS. I am told that it is around 3,000,000—the figures that I give you were a break-down of our membership as to racial, nationality, and religious backgrounds—but, of course, our constituency would embrace a much larger group than that, the girls that come in for health education services, and that sort of thing. So it is a very large group.

Senator CHAVEZ. Thank you very much.

Mr. Richter, will you come forward, please?

Please identify yourself for the record.

Mr. RICHTER. My name is Irving Richter. I am national legislative representative of the United Automobile Workers, C. I. O.

Senator CHAVEZ. You may proceed.

STATEMENT OF IRVING RICHTER, NATIONAL LEGISLATIVE REPRESENTATIVE OF THE UNITED AUTOMOBILE WORKERS (CONGRESS OF INDUSTRIAL ORGANIZATIONS), ACCOMPANIED BY FRED M. JOSEPH, LEGISLATIVE ASSISTANT

Mr. RICHTER. Mr. Fred M. Joseph, on my left here, is legislative assistant.

Mr. Chairman and Senator Tunnell, Mr. George F. Addes, our secretary-treasurer, and the chairman of our own fair employment prac-

tices committee, was called out for some very urgent business, and therefore is unable to attend, and I am to read his statement in his absence.

Senator CHAVEZ. We will be glad to hear it.

Mr. RICHTER. I am here to record the views and the desires of the more than one and one-half million U. A. W.-C. I. O. members located in all sections of this country. Our union, Mr. Chairman, affirmatively supports S. 101, a bill to establish a permanent Fair Employment Practice Committee, and to confer upon the Federal courts power to enforce the orders of that Commission.

Before beginning my testimony, however, I should like to enter into the record at this point three documents:

The first is the statement of our international president, R. J. Thomas, which was presented to the Senate Labor Committee of the Seventy-eighth Congress in support of S. 2048, the predecessor to the present Senate bill.

Senator CHAVEZ. That will be received.

(The statement referred to is as follows:)

STATEMENT BY R. J. THOMAS, INTERNATIONAL PRESIDENT, UNITED AUTOMOBILE WORKERS, CONGRESS OF INDUSTRIAL ORGANIZATIONS, IN SUPPORT OF S. 2048 AND H. R. 3986

My name is R. J. Thomas and I am international president of the United Automobile, Aircraft, and Agricultural Implement Workers, an affiliated union of the Congress of Industrial Organizations.

I am told that the United Automobile Workers, Congress of Industrial Organizations, with a membership of more than a million workers, is the largest labor union in the world.

I desire to place our union on record as favoring the passage of Senate bill No. 2048, "a bill to prohibit discrimination in employment because of race, creed, color, national origin, or alienage."

It may seem strange to some of you who heard or have read the testimony of Mr. James B. Carey, secretary-treasurer of the Congress of Industrial Organizations, as given at House Labor Committee's hearing on the companion bill, H. R. 3986, that organized labor favors Federal legislation which, among other things, prohibits labor unions from denying membership to any worker because of race, creed, color, or nationality. But I don't think this is strange. I prefer to think that its just another instance of American trade unionism rising to the demands of their rank and file membership and to the call of real democratic action here at home.

The war and the noble cause for which we soldiers on the Nation's production lines have been fighting, have opened our eyes to a number of shortcomings in our traditional way of life. We are aware now that America can neither speak unashamedly at the peace table nor make sincere promises of freedom and justice to the liberated peoples of Europe, Asia, and Africa so long as we, the dominant group here in America, deny even the simplest rudiments of liberty and equality to our more than 5,000,000 Jews, 13,000,000 Negroes, 21,000,000 Catholics, 3,000,000 Spanish-American, and 20,000,000 immigrants or first-generation Americans here at home. That is the primary reason why we of the labor movement favor the enactment of this legislation now. We want to see our country put its own house in order first; then go forward to assist in straightening out the affairs of others.

There is a second reason why we think these bills should be reported favorably and passed by the Congress. For many years now organized labor in this country has had to devise way and means of meeting and coping with management's technique of "divide and conquer." We have seen our local unions weakened and almost wrecked by employer-inspired "hate" strikes. One racial or religious group is pitted by management against another in an effort to silence justifiable union complaints about low wages, long hours, or refusal to bargain collectively.

The United Automobile Workers, Congress of Industrial Organizations, Mr. Chairman, does not ask the color of a man's skin or his race, nationality, or whether he is a worshipper of a minor creed. We ask only that he be a fellow

worker in the automobile, aircraft, or agricultural implement industry and a believer in the democratic principles underlying the Congress of Industrial Organizations.

We have found, however, that some unscrupulous employers are using our liberal racial and religious policies as an argument to dissuade employees from joining or continuing their affiliation with our organization. This technique is comparatively simple for management to use with a new and growing union like ours; and once the seeds of racial or religious discord are planted, the damage is done and it is extremely difficult to repair the wreckage. Within the past 6 months more than 100,000 of our union members have been adversely affected by "hate" strikes, due in whole or in part to management's fanning the smoldering embers of minority ill will.

We do not deny that some workers, both within and without the ranks of organized labor, have racial and religious preferences and dislikes. But we do deny the existence of any right on the part of management to capitalize upon those preferences or dislikes based upon race, creed, color, or nationality, when we of organized labor are doing our level best to educate all of our members to the point where they not only will read but also will believe that the founders of our country meant it when they said "all men are created equal" and should have an equal right "to the pursuit of happiness."

Happiness, Mr. Chairman, for the 62,000,000 Americans who make up the minority groups I have mentioned means, in plain every-day English, equality of opportunity to seek, obtain, hold, and progress in a decent job, at decent wages and without being continually reminded that there are some jobs in this land of the free which only white, Protestant, Gentile, fourth-generation Americans may hold.

Our progressive labor organizations are today trying to do a job that Government and many of our social and educational agencies have left undone for the past three-quarters of a century. We are trying to teach and to demonstrate to our membership—and to some employers also—that a man's race, creed, color, or nationality has nothing whatever to do with his ability to operate a lathe or a drill press and to render a satisfactory day's work. We in the automobile, aircraft, and agricultural-implement industry have seen that, given the same training and an equal opportunity to do the job, the members of minority groups will become just as efficient workers as those of any other group—and they make good union members, too. The more than 300,000 Negroes, Mexicans, and Japanese-Americans included in our union's membership are giving daily proof of this fact.

For, obviously, it does little good for us to distribute educational pamphlets, arrange conferences, and conduct summer-school courses on discrimination, if the prejudiced-minded employers I have mentioned are to be left free first to incite racial and religious ill-will, and then to capitalize upon their nefarious handiwork by refusing employment to qualified minority group workers with the flimsy excuse that the members of our unions just will not work with Jews, or Negroes, or Mexicans.

The United Automobile Workers, Congress of Industrial Organizations, has accepted the responsibility of bringing its members' thinking into line with the American ideal of fair play. We have done this without any urging from the Government. We feel justified, therefore, in asking that our Federal Government accept the responsibility for inducing or compelling these business concerns over which it has jurisdiction to likewise conform to the national policy that there shall be no discrimination in employment because of race, creed, color, or national origin.

Finally, Mr. Chairman and members of this committee, like all other thinking Americans, the members of the United Automobile Workers, Congress of Industrial Organizations, here at home and our more than 200,000 brothers who are in the armed forces, are becoming more and more concerned about the kind of life our country will offer the millions of American doughboys who are now risking their lives on the battlefields of France and Italy, in the far reaches of the South Pacific, and in the outpost of Burma, China, and India.

I have just returned from a tour of the fighting fronts in France. I have talked with our soldiers there. And I have found that the average American soldier, through his experiences, has become more anti-Fascist than our average civilian. They have seen more of the forces in the world that threaten democracy. People say that the unions had better look out when the men come home. But I say the anti-democratic forces in America had better look out.

Thousands of the returning veterans will be numbered among the minority groups this legislation is intended to protect. Will they come home to find the doors of employment closed in their faces for no other reason than that they

happened to have been born a Jew or a Negro or a first generation Pole? The answer rests with the Congress and we think it is adequately summed up in this bill.

Mr. RICHTER. The second document is a copy of the resolution unanimously adopted at the last U. A. W.-C. I. O. convention at Grand Rapids, Mich., in favor of permanent F. E. P. C. legislation.

Senator CHAVEZ. That will be received.

(The resolution referred to is as follows:)

COPY OF RESOLUTION ADOPTED AT THE NINTH ANNUAL CONVENTION, UNITED AUTOMOBILE WORKERS, CONGRESS OF INDUSTRIAL ORGANIZATIONS, IN SUPPORT OF A PERMANENT FAIR EMPLOYMENT PRACTICE COMMITTEE

FAIR EMPLOYMENT PRACTICE COMMITTEE

Whereas the Fair Employment Practice Committee has been a powerful force in strengthening American democracy and making possible the full utilization of the skills and abilities of minorities for the fullest prosecution of the war; and

Whereas the continued existence of the Fair Employment Practice Committee is essential to the unity and security of the American pepole in the post-war world; and

Whereas the United Automobile Workers has signed an agreement with the Fair Employment Practice Committee for the protection of the rights of minority workers under our jurisdiction: Therefore be it

Resolved, That the ninth annual convention of the United Automobile Workers Congress of Industrial Organizations, call for the establishment of the Fair Employment Practice Committee on a permanent basis; be it further

Resolved, That we call upon our Congressmen and Senators to support the permanency of this committee.

Adopted September 15, 1944.

Senator TUNNELL. How many did you say was the total membership?

Mr. RICHTER. One and a half million. That includes the three-hundred-thousand-some-odd we have now in the armed services who are members in good standing.

The third is a list of approximately 100 cases of alleged employment discrimination in plants in Michigan which have collective-bargaining contracts with our union.

Senator CHAVEZ. That will be received.

(The list of cases referred to will be found on file with the committee.)

Mr. RICHTER. Mr. Chairman and Senator Tunnell, it is generally expected, I think, throughout the country that this Congress will adopt some form of permanent fair-employment-practice legislation. Nation-wide sentiment favors such action, and both candidates in the last Presidential election promised as much. One of those candidates, although defeated, has demonstrated his recognition of the popular will as expressed in the 1944 elections by recently insisting upon and signing such legislation for his own State; the other candidate repeatedly has indicated his desire for such congressional action.

The need for legislation of this kind on a national scale is apparent. The list of cases I have mentioned above is taken from only one industrial area—from only one industry in that area—and from plants where the local unions are actively combating intolerance, yet that list shows shameful state of affairs. By far the overwhelming majority of the cases are cases of outright refusal to employ because of race, creed, or color. It does not require much imagination to see how widespread

this evil of race, creed, and color discrimination in employment must be in other sections and industries in our country.

The appropriateness of Federal legislation creating an F. E. P. C. likewise is apparent. For more than 80 years we have gone along fooling no one but ourselves with the thought that education alone is the only proper answer to the problem of racial and religious employment discrimination in this country. We seem to forget that action—the every-day mechanics of working, living, and meeting together—is the best form of education for democratic tolerance. It is time now that we face this fact; it is time we admit that the kind of education we have been talking about—the speeches, the pamphlets, and the conferences—have been tried to little or no avail. They simply have proved ineffective in opening the employment gates to a large proportion of our citizenry.

Moreover, as a recent editorial in the Washington Post for February 11, 1945, points out, legislation itself is an "immense force * * * in the educative process." Discrimination in employment because of race, creed, or color is no different in principle from discrimination because of union activities. We have not relied entirely upon abstract education to correct this latter evil; instead we outlawed it by adopting the National Labor Relations Act. Why not the same remedy for the former evil? Why not a Fair Employment Practices Commission with powers analogous to those of the National Labor Relations Board?

I might add in here for the record that a delegation of people from Michigan saw Senator Taft several weeks ago and we asked him how he would get enforcement if he found a recalcitrant employer who insisted on discriminating, and he said, "We would call him in to the chamber of commerce, and the employers in that community would persuade him and would use moral persuasion to get him to do it."

One of the people—who, incidentally, had been locked out for a year or two before the Wagner Act was adopted in a town in Ohio—asked him, "Where would we have been if we had left it up to the Chamber of Commerce of Ohio to enforce the Wagner Act?"

Senator CHAVEZ. We can go a little further, Mr. Witness, than that. The Ten Commandments have been in existence for quite a while, and yet we pass laws against murder, and the Mosaic laws have been in existence for a long time. Nevertheless, human society cannot depend on them alone, and we have to pass legislation.

Mr. RICHTER. Quite true.

The need for and the appropriateness of F. E. P. C. legislation being thus apparent, what are the objections to it?

Only two objections thus far raised have the semblance of merit, and, on closer study, it will be seen that they, too, are without merit. The first is that the law should not apply to labor unions. The second is that no enforcement provisions are needed.

Concerning the first objection, the U. A. W.-C. I. O. believes that labor unions are properly included within this measure. As we see it, there should be no place in the American labor movement for any organization which excludes workers from its midst, and from needed employment, because of the accident of their race, color, religion, or national origin. If such organizations have not, after all these years, seen the economic desirability of organizing and uniting all employees

in their industry or craft, regardless of race, creed, or color, then it is evident they will not do so unless directed to do so by law.

Our union, the U. A. W.-C. I. O., has nothing to fear from such legislation. Indeed, Mr. Chairman, we welcome it as an effective complement to the action we already have taken to end employment discrimination in the automobile, aircraft, and agricultural implements industry. Partly in anticipation of such legislation and partly because we needed it irrespective of Federal action in this field, the U. A. W.-C. I. O. has established its own fair practices committee and has authorized that committee to hear, determine, and recommend to its executive board appropriate action to be taken in all cases of alleged discrimination by any of its 1,000 local unions or their officers or members. The prompt and efficient manner in which our fair practices committee has disposed of the cases coming to its attention convinces me, as its chairman, that a union is not powerless to curb discriminatory practices within its midst provided only it sincerely desires to do so. Legislation will induce that desire where it otherwise does not exist.

I might insert in the record at this point a poster which every one of our local unions now has in its halls, on this question of the fair employment practices committee, informing every member of the union of his rights under that committee.

(The poster referred to will be found on file with the committee.)

Mr. RICHTER. Employment discrimination, however, is not always the fault of the union. I think we can go further and say, in the large majority of instances, it is the fault of the employer or of collusion between the employer and the local union officials. Where the international union, as in our case, is prepared to throw the full weight of its position behind a national policy of no discrimination in industry, there still remains the question of how management can be brought in line short of a work stoppage which none of us want.

The approach of management, as the experiences of our own fair practices committee and those of the President's Committee on Fair Employment Practice have shown, almost always determines the attitude of the workers in the plants. If the employer knows that Federal action will result from his failure to adhere to a nondiscrimination policy, his plant's gates and employment office will be opened to Negroes, Jews, Mexicans, and our other so-called minorities; and these workers, likewise, will be given the full benefit of the seniority and the skills they have achieved. Where, however, both the employer and the local union officers know that at most the Government can only "direct" and cannot or will not enforce its directives in this regard, nothing will be done; unless, of course, the international union itself exerts pressure on both of these recalcitrants.

In addressing myself to the first objection raised to permanent F. E. P. C. legislation, namely, that it would apply to labor organizations, I seem to have dealt also with the second objection, namely, the enforcement features of this legislation. With your permission, Mr. Chairman, I should like to add one concluding word about this last point—the need for enforcement machinery.

I understand that Senator Taft of Ohio has proposed recently that the Congress pass legislation for a permanent F. E. P. C. but omit any enforcement provisions; that it allow moral persuasion and the pressure of public opinion to accomplish what otherwise would be accom-

plished under Senate 101 by an order of the Federal court enforcing the Commission's decision.

The U. A. W.-C. I. O. is opposed to the Taft proposal.

We oppose it because we know it will not work. It is nothing more than a plan whereby something like the present temporary F. E. P. C. will be given a permanent status but will retain all of its present glaring infirmities. It is a plan that contains the germs of another Philadelphia Transit disturbance; and another Washington Capital Transit impasse.

Moreover, we oppose it because the history of labor legislation in this country demonstrates that laws passed for the protection of workers are of little avail unless they carry with them some effective means whereby they can be enforced. The first Railway Labor Act lacked enforcement features. It, too, relied upon "moral persuasion and the pressure of public opinion." And Congress soon found it necessary to add language which would enable the courts to compel obedience to the law's mandate.

The act of Congress guaranteeing to workers the right to organize into unions of their own choosing free from employer discrimination—the old N. I. R. A.—likewise lacked enforcement provisions; and here again Congress found it necessary to correct this omission by adopting the National Labor Relations Act and giving to the courts authority to enforce this right.

The decisions of the War Labor Board, both for and against the workers, were unenforceable during the early stages of the war; and we in the labor movement have painful recollections of the frequency with which we were deprived of our rights. The employers have also; which probably accounts in part for the present Smith-Connally Act giving some measure of enforceability to the orders and directives of the War Labor Board.

We have ample precedents, therefore, Mr. Chairman, for our distrust of such proposals as that advanced by the Senator from Ohio; a distrust which, I should add, does not reflect upon the integrity of that gentleman.

For all of these reasons, the United Automobile, Aircraft and Agricultural Implement Workers of America, C. I. O., respectfully urge that this Senate committee report Senate 101 favorably and that the Senate adopt this measure.

Senator TUNNELL. Mr. Richter, I just wanted to call your attention to the fact that S. 101 is dated January 6, 1945, and S. 459 is dated February 5, 1945. So it is a fair assumption that the difference between these two bills represents the objection to S. 101, and that the part they didn't like has been cut out?

Mr. RICHTER. Yes, sir.

Senator TUNNELL. And you have stressed that part?

Mr. RICHTER. Yes.

Senator TUNNELL. As I understand it, S. 459 really not only doesn't have any enforcement provision, but it has no provision at all providing for relief. It is simply an investigatory act; isn't that right?

Mr. RICHTER. Yes, sir; investigation and the education which presumably will result from such investigations being made public, if they are made public.

Senator CHAVEZ. Giving a simple illustration, suppose the traffic laws or the traffic regulations or the customs of traffic in the District

of Columbia were dependent upon education and moral persuasion, do you think they would have more effect on the automobilist observing the red light than if he were to be fined $10?

Mr. RICHTER. I think our casualties under such a law would have been greater than they have been on the battle fronts since Pearl Harbor.

Senator TUNNELL. We have all heard of the horse that the fellow attempted to teach to live on nothing, and he kept reducing the quantity until finally he had him educated, but he was dead. [Laughter.]

Mr. RICHTER. That expresses our sentiments, precisely.

I failed to add, Senator—I think we ought to put it into the record—that we have approximately 300,000 Negroes in our Union, either working today or in war service; and also that a substantial percentage of our white and Negro membership is in the Southern States.

Senator TUNNELL. Twenty percent of your membership, approximately?

Mr. RICHTER. Yes, sir.

Senator CHAVEZ. Thank you.

Is Mr. Dudley in the room?

Mr. DUDLEY. Yes.

Senator CHAVEZ. Identify yourself for the record.

Mr. DUDLEY. Senator, I am Tilford E. Dudley. I am associate general counsel for the United Packinghouse Workers of America. That is a C. I. O. union that has a very large percentage of people among the minority groups, including the colored groups, the Mexican groups, and people of other nations.

Senator CHAVEZ. Will you proceed with your statement?

STATEMENT OF TILFORD E. DUDLEY, ASSOCIATE GENERAL COUNSEL, UNITED PACKINGHOUSE WORKERS OF AMERICA (CONGRESS OF INDUSTRIAL ORGANIZATIONS), WASHINGTON, D. C.

Mr. DUDLEY. This matter is of such great concern to our union that our union has officially prepared a statement which it has officially approved and desires to submit to you as a statement of the entire union; and if I may, I would like to offer you copies of the statement and ask that it be incorporated in the record.

Senator CHAVEZ. We will incorporate it in the record, and then you may proceed and make a verbal statement, if you so desire.

(The statement referred to is as follows:)

REASONS FOR THE UNITED PACKINGHOUSE WORKERS OF AMERICA FAVORING THE CREATION, BY CONGRESS, OF A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION, AS PROVIDED IN S. 101—STATEMENT SUBMITTED MARCH 13, 1945, TO THE SUBCOMMITTEE FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION OF THE UNITED STATES SENATE COMMITTEE ON EDUCATION AND LABOR

Because of the concern of the United Packinghouse Workers of America with the need for building sounder race and nationality relations, particularly among those employed in the meat-packing industry, the international executive board of the union provided for the setting up from its own membership of an anti-discrimination committee. In line with its responsibility, this committee requested that the research department of the international organization prepare an analysis setting forth the reason why the packinghouse workers favor the provisions by Congress of a permanent Fair Employment Practice Commission.

The material which follows was thereupon prepared. It has been studied and approved by the union's antidiscrimination committee.

In leading meat-packing centers of the United States a high proportion of production workers in the plants are Negroes. War Manpower Commission reports indicate that about 50 percent of the production workers in the Chicago area are Negroes. For the country as a whole, Negroes provide about 25 percent of the working force. In a number of centers, Mexicans are also employed in significant numbers.

Thus, discriminatory practice in hiring does not appear to exist as a major problem. Moreover, the constitution of the United Packinghouse Workers of America, to which most of the unionized employees belong, requires that employees be admitted to the union without regard to "nationality, race, color, or creed." The union's agreements with packing companies also uniformly contain a nondiscrimination clause. Under this clause the packinghouse workers seek to adjust such discrimination cases as arise directly with the managements, utilizing the grevance procedure for ths purpose.

These considerations might seem to indicate that the current activity of the Fair Employment Practice Committee or the continuance in permanent form of any similar agency are matters of minor importance to the United Packinghouse Workers. This is not our position, however. We look upon the existence and excellent performance of the Fair Employment Practice Committee as highly salutary in creating an atmosphere conducive to the favorable disposition, through direct dealing with management, of such discrimination cases as arise in the packing plants. Not infrequently, merely the hint from a steward or other local officer that the issue of discrimination will be presented by the union to the Fair Employment Practice Committee is sufficient to bring about a satisfactory adjustment with the management directly. In addition, in looking ahead toward certain contingencies that may develop, particularly during post-war, we are convinced that a compelling need exists for making permanent provision for a Fair Employment Practice Commission.

The discussion which follows directs attention almost altogether to experience in the meat-packing industry. However, we believe that the major problems confronting us are duplicated in essential respects in other industries. Therefore, what is presented here may be looked upon as portraying a situation which exists for the labor movement as a whole. And beyond this, we are convinced that how fairly the problems of race discrimination in hiring and promotion are dealt with is one of the crucial tests determining exactly how far Americans are prepared to go in living up to their democratic professions.

At present, in a period of wartime full employment, and later, when there may occur at least temporary large-scale unemployment, it is essential to have Federal protection against discrimination. The force of law is required to deal with discrimination, actual and potential. This will bulwark the Federal protection to collective bargaining which is contained in the National Labor Relations Act. For the collective bargaining relationship can be undermined just as completely as a result of race and allied types of discrimination as through the "unfair labor practices" which are specified in the National Labor Relations Act. Therefore, the "unfair employment practices," as defined in the bill before this committee, must also be made illegal under Federal law.

In order to explain why this union strongly urges the provision by statute of a permanent Fair Employment Practice Commission, it is necessary to sketch briefly the relevant historical factors in meat-packing industrial relations. We also submit for this committee's consideration our appraisal of certain features in the current race relations picture, pointing out how such features—in large degree now passive—present a serious threat for the future.

Consideration of these matters will make clear that realism requires taking account of community attitudes, prejudices, and fears as they influence both managements and employees in this industry. Stated differently, to understand the discrimination problem, actual and potential, it is necessary to look outside as well as inside the packing plants. For example, in Chicago, besides Negroes, there are many workers of Polish, Lithuanian, Mexican, Irish, and German extraction, together with other nationality groups who work in packing. Upon entering the plant each day, these employees do not automatically dispense their acquired emotional attitudes toward one another. And all the evidence indicates that this equally, if not more so, holds for foremen and other management personnel in their attitude toward the production workers.

Besides attempting to show the great importance of these outside influences, this discussion cites examples of discrimination which have taken place in meat packing. Explanation is given of how the union deals with these cases.

A very significant feature in some instances is this: Under certain conditions, a just and equitable disposition of the discrimination issue depends on the existence—even when there is no resort to it—of an agency which exercises Federal authority. This discussion also shows how this feature, in the event of great job scarcity, can easily become more pronounced.

In reviewing the past, attention will be chiefly directed to Chicago. This is justified because developments in this dominant packing center are usually decisive for the rest of the country. Experience has also been much the same in such important middle western packing centers as Kansas City, Omaha, and East St. Louis.

Old-timers in meat packing recall that in the eighties there was much ill feeling and rivalry in the Chicago packing plants between the Irish and the Germans, who together made up the bulk of the working force at that time. This was a chief difficulty to be overcome in forming an effective union. Managements are reported to have capitalized on this situation by such a practice as placing an Irish foreman over a German gang and vice versa. In time, however, the Irish and Germans closed up ranks. This enabled them to win the 1886 strike in Chicago. But within a short time the companies began to employ Polish and Lithuanian workers in much larger numbers. On occasion, these newcomers to meat packing were used to break strikes initiated by the Germans and Irish. Ill feeling between the "old" and "new" immigrants was created, and time and effort were again required to patch up differences, with unionism weakened in the interval.

Negroes were employed as strikebreakers in Chicago as early as 1894. But they did not enter the northern centers' meat packing plants in large numbers until World War I. Then, as now, manpower shortages made the packers receptive to employing them. During the war, unionism grew in strength. But many Negroes felt a certain gratitude toward the packing companies for giving them jobs. Negroes were also convinced that they were not accepted within the union of that day on a basis of complete equality with white workers. A principal complaint was the union officers' lack of interest in seeing that Negroes were given a chance at the more skilled and higher-paid jobs.

Then in Chicago occurred an event which was to influence strongly for many years the interrelated problems of racial discrimination and the attainment of effective union action within the packing plants. This was the race riot of 1919. Union members who observed what happened at that time and in the years immediately following agree that the 1919 riot was a grave set-back to the cause of organized labor. (The 1917 riot in East St. Louis undoubtedly had a somewhat similar effect.)

This was the situation, even though most of the rioting took place outside the Chicago stockyards area. Negroes very generally believed that the whites—including the white working people—were "against" them. Where Negroes had jobs, as in meat packing, their feeling of dependence on the company was increased, and they did not wish to risk management antagonism by belonging to a union known to have intense opposition from the company. This attitude was strengthened by the Negroes' conviction, following the riot, that when it came to a show-down white workers would not stand by them. An allied factor in meat packing was the continuance of discriminatory practices within the union which were looked upon by Negroes, with justification, as Jim Crow.

In 1921 the seeds planted in the 1919 riot bore their bitter fruit. In all the chief packing centers, hard-fought strikes occurred during 1921, in opposition to drastic wage cuts. Negroes in some centers joined the strike, while in others, for the most part, they remained at work. But in all the centers where Negroes formed an important part of the labor supply, numbers of them acted as strikebreakers. Besides vivid memories of the riots and antagonism to white employees because of Jim Crow practices, an influential factor was widespread unemployment in the depression year 1921, with its worst incidence among Negroes hungry for jobs and food. Organized labor was not only defeated on the wage issue, but in addition, the local unions lost such precarious partial recognition as the packing companies had extended during the war years of full employment. For all practical purposes, unionism was almost completely ousted from the packing plants.

Many white workers placed the chief responsibility for this loss of union protection on the Negroes. This attitude prevailed even though many of these same white workers were convinced that the companies, just as the managements were believed to have done in earlier years, through encouraging friction between the Irish and Germans and, later, of both against the nationalities from eastern

Europe, had followed a course designed to pit whites against blacks and blacks against whites. In conformity with a familiar psychological practice, many white workers found it was more satisfying and comforting to place the entire blame on the Negroes rather than explain their strikebreaking as largely stemming from the 1919 riot (initiated by whites) and from union (that is, white) discrimination in varying form.

Consequently, there followed a long period of almost complete sterility so far as unionism and real collective bargaining in meat packing were concerned. Negroes in the main centers had become a major factor in the employment picture. But to most Negroes in meat packing the jobs supplied by the companies seemed more valuable than any promise of future security which was made by organizers during the sporadic attempts to unionize the plants. In fact, union promises were typically regarded with suspicion as emanating from whites who had proven themselves unreliable.

The National Recovery Act, with its provisions which sought to protect the right to collective bargaining, gave encouragement to organizing activity in meat packing as well as in other leading industries. The stronger provisions of the National Labor Relations Act, particularly after the favorable Supreme Court decision in 1937, gave further stimulus to unionism in the packing industry. However, without minimizing the value of government protection to the right to join a union and bargain collectively, the great practical contributions must be emphasized of the Committee for Industrial Organizations' appearance in 1935. The Congress of Industrial Organizations encouraged the industrial form of unionism and thereby sought to bring collective bargaining to the less skilled and lower paid, among whom Negroes and other minority groups were most heavily represented. And the Congress of Industrial Organizations also took a strong stand against discrimination because of race, color, nationality, or religion.

Negroes and others were persuaded that the Congress of Industrial Organizations meant what it said about discrimination, both in its early committee set-up and in its later permanent form. Most assuredly, this has been the situation in meat packing—in the beginning, when the packinghouse workers organizing committee functioned under direct Congress of Industrial Organizations management; and later (starting in October 1943), when the present United Packinghouse Workers of America became an international union within the Congress of Industrial Organizations.

More than Congress of Industrial Organizations professions of good intention has brought about this significant shift in attitude on the part of Negro workers. For the Congress of Industrial Organizations unions, including the Packinghouse Workers, actually have come to grips with the problem of discrimination at all key points. Among these are discrimination within the union itself, discrimination by management in hiring, and discrimination by management in regard to such matters as working conditions and upgrading within the plants.

To be sure, Negro workers were in a receptive mood when the Congress of Industrial Organizations appeared upon the scene. In the thirties they learned the hard way that merely because numbers of them had been given jobs in meat packing during the twenties was no assurance of a satisfactory and secure niche in the industry. For one thing, Negroes, in common with white workers, experienced the hardship of substandard wage scales and irregularity of work at the packing plants.

This significant development also took place in the thirties: Negroes were displaced in appreciable numbers by whites. Much of this came about through hiring whites for such openings as occurred; in many cases these jobs had "belonged" to Negroes. While this displacement typically took place in piecemeal rather than wholesale fashion, it happened on a sufficient scale to remind Negroes forcefully that discrimination in hiring and in lay-offs was still a controlling factor in their lives. Any company gratitude because of Negro "loyalty" during the 1921 and other strikes, it became clear, was sharply qualified. Of course, in matters of job allocation and promotion, Negro workers had always been convinced that they received a raw deal from management. They had a real basis for this conviction, for they could point to many examples which proved their ability to perform work of the highest skill. But they were not permitted to fill such jobs to the extent they were qualified.

Brief reference to a widely known fact should be made. It is that Negro workers, during the relatively short time since the Congress of Industrial Organizations has won effective collective bargaining in the meat-packing plants,

have became strong converts to unionism. The Negroes' chief reliance for job protection is now the United Packinghouse Workers rather than the employing companies. This is not only because the union's efforts have improved pay scales for Negroes in common with those of white workers; even more, the alertness of the Packinghouse Workers to demand equal treatment on the job and their quick resort to the collective agreement's grievance procedure, when discrimination involving race shows itself, proves to Negro members that the union agreement is one of the most useful weapons for attacking the entire problem of discrimination.

Increasingly, Negro members have come to look upon the Packinghouse Workers as a place where they are accepted and "belong" and through which the uphill struggle to achieve complete emancipation within industry can be immeasurably advanced.

Our Negro members, of course, realize that the gains which have been made in breaking down race discrimination on the job are conditioned largely on Negro-white cooperation within the union. This is something deserving of closer attention. First, however, it will be of value to cite several specific instances which illustrate how grievance procedure operates to win an equitable adjustment in situations where race discrimination is involved.

There is the case of the company which, although it had Negro watchmen, had never employed any of them in its offices or stockrooms. The matter was presented to the management through the local union, with the outcome that the company finally saw the wisdom of removing the ban against employing Negroes in this position.

A somewhat similar instance arose when a qualified Negro girl for some days was given the "run around" in her effort to be transferred to a department where meat is dehydrated—a department where additional workers were needed but where, down to that time, no Negroes had been employed. Warning that an issue of this discriminatory policy would be made by the local union under the grievance procedure eventually brought the company around to a change in attitude.

Sometimes the problem is more complicated. For example, there occurred a situation where a Negro girl, new in the department, was given a wet and otherwise disagreeable job. She felt that the job was harmful to her health and asked for a transfer to some other work where, it happened, only white girls were employed. The company was unwilling to make the transfer. A further consideration was that the girl stood at the bottom of the seniority list in this department. The matter was finally adjusted by making mechanical repairs which eliminated the objectionable wet feature of the work, thus reducing the health hazard. Since this girl was outranked in seniority, it was a normal procedure to give her the least desirable job.

This example directs attention to the attitude of white workers in gangs or departments which have been traditionally "lily white." In the instance just cited, this feature did not become conspicuous because the factor of seniority was controlling. However, if there did exist any opposition among white union members to a Negro's working at the same bench with them, the way the case was handled would have permitted additional time for the local union to engage in necessary educational activity among the white members.

Not surprisingly, prejudices have not been entirely eliminated even from the membership of an organization such as the United Packinghouse Workers. This holds, even though Negroes have long been an important factor in the industry and in spite of the fact that stewards and other union officials are alert to combat discrimination, whether manifested by rank-and-file members or by management. Within the union itself we think much progress has been made toward creating an understanding among the membership that discriminatory attitudes and practices threaten effective collective bargaining with the companies, as well as being contrary to the American principles of democracy. But it would be emulating the ostrich to maintain that every white member, upon subscribing to the United Packinghouse Workers' policy of no discrimination, immediately dispenses with all the emotional baggage which he has accumulated in a lifetime on the race problem.

By the same token, those union officials upon whom rests the responsibility to enforce the no-discrimination policy must do much more than crack down on members who step out of line. It is not enough to take appropriate disciplinary action. In addition, it is necessary to explain, patiently and carefully, that discriminatory practices or attitudes within the union prevent the attainment of that sense of unity which is its most valuable asset. In this

connection the members must be made to realize that discrimination by any of them toward their brothers and sisters affords an inviting opportunity to those managements or individual foremen who (often without top management sanction) grasp at indications of disunity, capitalizing upon them for purposes of undermining the union.

A valuable aid in this process of education is the existence and work of the Fair Employment Practice Committee for the principles upon which the Fair Employment Practice Committee is based, embodying as they do an expression of sound public policy, can be persuasively pointed to as demonstrating what the correct procedure and conduct should be in given situations.

Again, an illustration will make for a clearer understanding of some of the strands in the tangled race problem. Recently a stoppage occurred among employees (all white) of the pork-pack department at a certain plant, in protest against placing a Negro worker in the department. After local union officials quickly got the employees back on the job, a committee of three members was appointed to investigate what caused the walk-out.

The committee discovered that one individual, with a strong anti-Negro bias, had agitated among the other white members, persuading them to stop work. Action was taken, on recommendation of the committee, demanding that the company discharge the offending worker. Such action followed only after a talk with this member to discover whether there were any extenuating circumstances. In this case, a very recent one, the company refused to discharge the worker who was mainly responsible for the stoppage. The local union has therefore filed a grievance, and the issue will be disposed of ultimately under the procedure prescribed in the agreement.

Involved in this case are several significant considerations. There is evident the need for an improved educational program among the white members who were misled into stopping work. The task here is not merely to get them back to work—which the union officers immediately succeeded in doing—but, even more, to make them understand why their action was mistaken and to see the issues so clearly that they will not commit the same error again.

In brief, this case illustrates what is more and more widely understood: that the so-called "Negro problem" primarily results from the attitude of a certain number of whites—that, essentially, there is a white problem underlying the Negro problem. It is not too serious a reflection on white workers to realize that they, more than Negroes, are under the necessity of readjusting their emotional preconceptions if a union's ideal of brotherhood within its own ranks is to be realized in fact. The ever present task of meeting this challenge is intensified in wartime, when turn-over in the packing plants—and therefore among the union's membership—is extremely high.

Frequently white workers believe that many Negroes are overly touchy. And cases do arise where Negroes suspect discrimination by the management or by white employees when, actually, discrimination has not occurred. But it is not surprising that this sensitiveness should exist. And it is one of a union's obligations to make white workers comprehend more clearly that many Negroes react in this manner because they experience so much thoughtlessness, callousness, and worse, at the hands of white people.

The point just made is a familiar one. But it directs attention, more concretely, to a consideration mentioned earlier: that workers—both Negroes and white—bring to the packing plant a complex of attitudes on race which they have acquired largely outside the plant. Since the attitude of whites is more decisive, it is worth exploring this factor somewhat further. In what follows, Chicago is principally in mind, but the situation portrayed also applies substantially in other packing centers.

Observers have noted that for some months there as been increasing irritation expressed by whites concerning Negroes. Talk is heard on streetcars and in other public places which gives vent to this feeling. The Negroes, some say, are "getting too big for their pants" and want to take over. After the war Negroes will have to be eliminated from white men's jobs. And there is frequent complaint about Negroes, in search of living quarters, attempting to invade white neighborhoods.

When an attempt is made to explore this attitude more fully, it is discovered that there are numerous rumors and hearsay reports circulating, which purport to reflect on Negro honesty, character, work habits, and so on, all seeking to place him on an inferior level to whites. In all of this, there is nothing really new, except that the volume of misinformation and prejudice now circulating has grown so substantially that it takes on added significance.

This evidence that a sizeable body of whites, many of them wage earners, is talking so extensively about the Negro is symptomatic. The mosaic of prejudice thus revealed doubtless has multiple origins. But it is significant because it indicates a stepped-up awareness of Negroes on the part of disapproving white citizens. Much of this doubtless grows out of wartime strains and inconveniences, with the accompanying desire to find a scapegoat. But, even more, there is involved fear over possible unemployment and income losses after the war, a feeling accentuated because of the prevailing belief that the war will be over soon.

In the drastic curtailment of job opportunities, which is feared, many whites feel that Negroes, as recent job holders, should remove themselves or be removed. And whites are aware that Negroes, so many for so long a time in the wilderness of unemployment and relief, now feel intensely that fair play demands they continue to hold jobs, at least in proportion to their numbers.

This description oversimplifies, of course. All whites are lumped together, whereas, actually, their attitudes vary. Some of them apparently have become obsessed with an anti-Negro phobia much more virulent than has been indicated here. On the other hand, fortunately, there is a growing body of white workers who realize that the Negro is entitled to equal rights under our democratic system, that the Negro is in American industry to stay and that, as workers, whites will harm themselves incalculably if they allow their search for job security to be diverted into the blind alley of race animosity and discrimination.

To be most effective, the attitude of these more understanding and farsighted white workers must be channeled through organization. And the union is the form of organization most promising for accomplishing successfully this far from easy educational task of straightening out confused and backward white workers. This is stated in full knowledge that too often certain unions have fostered and institutionalized discrimination in such a way as greatly to increase the task of breaking down white prejudice. But the very effectiveness of such unions points to the labor movement as occupying a key position in the struggle to eliminate discrimination—this together with the excellent record those unions have made which take a firm stand against discrimination.

Why the need, then, for a permanent Fair Employment Practice Commission? And, specifically, what contribution could such a Federal agency make in an industry such as meat packing where Negroes are now employed, on a Nation-wide basis, at a somewhat higher percentage than their proportion of the total population? In part, the answers to these questions are indicated in much of the preceding discussion. And perhaps the detour which the discussion has involved will serve to bring into view more clearly the destination to which we have been headed.

On the wholly practical ground of needing to eliminate discrimination in order to make themselves stronger in their collective bargaining, the unions which are most clear on this problem as a rule operate under at least one of two serious handicaps. The first is that they tend to be in war industries where the heavy influx of Negro workers is of very recent date and where withdrawal of war orders will almost certainly cause at least temporary large-scale unemployment, with resultant fear among workers that they will be displaced permanently from the industry.

The second handicap is that most unions which follow the right policy on the issue of discrimination have attained an effective collective-bargaining status only in recent years. Collective bargaining was usually entered into with extreme reluctance by the management. And there is often reason to believe that many such managements will seek to "get out from under" at the first chance. Where either or both of these conditions exist, it is evident that there may develop an inviting opportunity to utilize race or nationality issues in an effort to eliminate or make innocuous any union or unions the management views with disfavor.

This is not a prediction that every management will act in the manner thus envisaged. Many would not initially follow such a course. But too often the better type of management might eventually be forced, for competitive reasons, or because of a perverse twist in "public opinion," to fall in line with those anti-union employers who are willing to resort to the dangerous device of race or nationality prejudice to attain their ends.

Meat packing, in spite of great expansion in output to satisfy war requirements, is not an industry which had to go through extensive technological conversion to equip it for wartime tasks. Nor will this industry be compelled to undergo drastic reconversion preparatory to the return of peace. Therefore, it

might be assumed that with little "reconversion unemployment" in store, competition among workers for jobs will be slight. Consequently, little or no racial friction will be engendered from this source. But this would be too limited a view of the potential dangers.

The chief reason is because of the second handicap, referred to above, which confronts many unions subscribing to a democratic race relations policy. This is that many packing-house managements are far from converted to complete acceptance of unions. Again, it must be added at once that on the question of unionism, managements in our industry, as in most others, vary considerably. A significant number appear to believe that unionism provides the leverage to place industrial relations on a much-improved basis. But there are very important units in the industry which show every evidence of opposition to real collective bargaining.

In this connection, it is relevant to quote from the National War Labor Board's panel decision of October 23, 1942, on the Big Four.[1] The panel decision states:

"Labor relations in the Big Four have been characterized by sudden and violent eruption. The incidents connected with the break-down of organization following the last war have left wounds still unhealed. The passage of the National Labor Relations Act inspired a new organizational drive, marked by intense opposition. Each of the Big Four, in the period following adoption of the National Labor Relations Act, was found guilty of unfair labor practices under the act. It is only within the past year or two that members of the Big Four have signed contracts with the Packinghouse Workers Organizing Committee * * *. The employment of a large percentage of colored persons, although evidence that the companies themselves have no racial prejudice, enables persons or groups opposed to the Packinghouse Workers Organizing Committee or to organized labor in general to play off a colored or white majority against a colored or white minority, subjecting the union to the risk of loss of an entire bloc of its members at any time. An adequate form of union security will offset this threat, and protect not only the union but the companies and the public as well against outside attempts to foment racial disturbances."

If and when unemployment becomes extensive outside of meat packing, anti-union firms in the packing industry, as in other industries, may look upon this as the opportune time to break away from existing collective-bargaining arrangements. Should this happen, the chance of capitalizing upon and intensifying race friction might afford a very tempting weapon to the firm which has been biding its time to sever relations with the Packinghouse Workers. There is no need here to attempt a detailed description of how this might be accomplished. Suffice it to say that in the past those who seek to divide in order to conquer have not been at a loss for methods. The brief historical account previously cited shows that there is a tradition in meat packing of playing off nationality groups and races against one another.

Concerning the potentials of management policy in meat packing, one important aspect needs to be noted. On the problem of race discrimination, apparently top managements often have a better attitude than many foremen and straw bosses. This is noted because of frequent complaints from our Negro and Mexican members (several examples have been given) that they are barred from certain types of work or departments and that there is also widespread favoritism extended to native white and European-born workers relating to conditions of employment.

Negroes, for example, are seldom if ever found in the sliced bacon or sausage departments. Negro mechanics are also very uncommon, although they are engaged in occupations (an instance is ice knockers, who typically do a certain amount of pipe fitting) which would easily permit upgrading. And Negroes are never found among the large number of office employees. There are many of the more skilled and higher-paid jobs from which Mexicans are also evidently excluded by management policy. Negro women have come into packing in additional numbers during the war. But there are certain companies, some of them fairly large, which continue to avoid hiring Negro women—this at a time of serious labor shortage but when Negro women workers are still available. It is also common knowledge in the packing industry that although Polish workers have been employed in large numbers for many years, relatively few individuals of Polish extraction hold supervisory positions higher than that of "straw boss."

---

[1] The Big Four consist of the following companies: Swift, Armour, Cudahy, and Wilson. The panel decision was on cases 181, 186, 187, 188, 189, and 245.

It is easy to see that discrimination, as practiced by the lower levels of management, has real possibilities of becoming much more serious in a period of extensive unemployment. In such a period, for example, foremen and straw bosses will be besieged by friends and relatives, and their friends and relatives, to find them jobs in meat packing. If and as the great new war plants in packing centers like Chicago, Kansas City, Omaha, and in the St. Louis area drastically curtail their staffs, white workers who left meat packing by the thousands for higher-paid and more agreeable jobs are likely to be flocking back to the packing plants. They may do this, even though they expect to remain only temporarily in packing. Some of them will make strong pleas that they are entitled to "their" jobs once more—particularly if those jobs are filled by "niggers." (These pleas will be directed, it should be remembered, to white men exclusively, for Negroes rarely if ever get to be even straw bosses; in itself circumstantial evidence of discrimination in promotion.)[1]

In indicating the possibility of pressure upon management by whites to displace Negroes, it may seem that this is not likely to have influence—either because the lower levels of management do not hire or because seniority clauses in union agreements would protect the worker on the job against pressure from a former employee who voluntarily left the firm. But with respect to who controls hiring: "it all depends." In a market oversupplied with workers clamoring for jobs, strict impartiality is likely to break down on a significant scale, particularly when within the group of unemployed white workers there are many with extensive experience in the industry.

Concerning seniority, this is to be said: The Packinghouse Workers of America will insist on the enforcement of provisions in their contracts, without regard to race, creed, or nationality. However, some plants are not under union agreement—including, in certain locations, a few important units among the Big Four. In a period of extensive unemployment, it would be of great practical importance to the unionized workers that these plants do not engage in discriminatory hiring practices. For such discrimination would operate as a competitive (and psychological) entering wedge making the task more difficult of enforcing the union's agreements, including the provisions on seniority. (It is also evident that at present in nonunion plants, discrimination and race friction can be intensified as methods of staving off unionization. Here is an area of the industry where the protection afforded by Fair Employment Practice Commission takes on added meaning, with the outcome of great importance to the unionized plants as well.)

A related consideration must also be frankly stated. It goes back to the previously mentioned possibility that some packing firms or plants, in a period of large-scale unemployment, may seek to break off relations permanently with the union. That would mean tearing up the agreement, including its seniority provisions. It is not farfetched to take account of such a contingency, for the antiunion employer would almost certainly hold out strong strike-bearing inducements to those workers who felt no compunction about accepting what were formerly "white men's" jobs but which are now filled by Negroes. Any scruples about seniority rights would seem of no weight to such individuals.

This possibility that white working people might be utilized as strikebreakers against Negroes, does not preculde the reverse situation. Presumably, any companies which were out to smash organized labor would follow whatever course seemed most promising. And in certain instances they might believe that the more traditional device of attempting to obtain the services of Negroes as strikebreakers would be the method best calculated for them to benefit from and stimulate race feeling.

---

[1] The following statement from an affidavit by one of this union's members reveals an attitude in management which, during extensive unemployment, is calculated to lead to much more damaging discriminatory acts than are now possible:

"* * * while working on the string machine in the cut string department, my foot slipped off of the pedal. As a result, the wheel of the machine pressed the top of my hand, bruising it severely to the extent that it required medical attention. Following this accident, I approached the superintendent, for permission to see the doctor. He replied that I should have been more careful, saying that a trip to the doctor would involve the filling out of too many charts and records. However, he granted me the permission. When I returned from the doctor, my hand was still paining me. I asked the superintendent if I can go home. He answered that the fact that the wheel had pressed against my hand wouldn't hurt me so much. He stated, 'I've worked here for 20 years and we have never had an accident like that. That's the trouble with all the niggers. They should be sent back to the South.'"

It is worth noting that when the local union committee presented this matter to the top management, an apology was immediately made.

The possibilities, as outlined, are by no means looked upon as certainties. They become such only in a period of extensive and, perhaps, prolonged unemployment. A major protection against this kind of threat would be the quick attainment of full employment.[3] The fears, out of which discrimination in thought and feeling pass over to action, would be allayed in a condition of peacetime full employment. And there would be further opportunity to press forward along the lines which this and other unions have made notable progress in bettering race relations.

However, preparations for the future should not be based solely on assuming the best possible outcome. Any realistic program will also take account of the problems and dangers that must be dealt with if events turn out unfavorably. This does not mean that we anticipate the worst. The worst in Chicago might be repetition of the 1919 riot, with a resultant tragic set-back to unionism and other group relationships which have been so instrumental in promoting social progress. With the good work now being carried on by the present Fair Employment Practice Committee, by interracial committees and by other groups, including many of the unions, there is reason to expect that racial tensions in most communities will be held in check before the riot stage is reached. But, short of that stage, there could develop serious strains in race relations, and such strains could cause grave damage to the encouraging progress made toward accepting and integrating minority, racial, and nationality groups in our democracy.

To hold and to extend the gains already made, more than one means of protection and enlightenment will be necessary. The United Packinghouse Workers will continue their efforts which seek to eliminate discrimination within the packing plants. Besides the union's activities in the plants, we are participating in community programs which seem certain to yield valuable results. In Chicago, the chief feature to date is close cooperation with the Back of the Yards Council, an organization which engages effectively in varied activities among a large population of white workers. In the area back of the stockyards, families of Polish origin predominate and many of the residents are employed in meat packing. One of the measures planned in cooperation with the Back of the Yards Council is the showing in white neighborhoods of the War Department's excellent film, The Negro Soldier. Another step taken with the help of the Back of the Yards Council is to set up a rumor committee. This committee will investigate and expose rumors which, if allowed to grow, would generate suspicion and bad feeling between Negroes and whites.

In addition, to complement and strengthen our own efforts, Packinghouse Workers recognize the compelling need for Federal legislation. This holds at present, even in a period when there are labor shortages in most packing centers—a condition largely responsible for the increased employment of Negro and Mexican workers. The union believes the preferred method is to take up discrimination cases within the plants, attempting to solve them through its own initiative. But we recognize the very beneficial and salutary influence of having the Fair Employment Practice Committee to which we can turn if necessary. Moreover, the fact that the committee is standing by, ready to be called in, aids greatly in achieving the correct disposition of discrimination cases raised by the union under the grievance procedure.

Most of the preceding discussion has sought to show that the role of a Fair Employment Practice Commission may become a much more active one in meat packing during the period of transition to post-war. The strong possibility of extensive unemployment, from the point of view of the United Packinghouse Workers, is of itself alone sufficient justification for Congress to make permanent provision for a Federal agency with power to act in matters of discrimination. And even if, as we hope, resort by this union to the procedure prescribed by a Federal agency remains occasional rather than frequent, the case for having such a permanent agency is conclusive.

Not only would the workers in meat packing continue to receive the type of benefit now obtained. In addition, we recognize that there are large groups of workers in other industries, widely distributed throughout the United States where the problems of discrimination are more acute than they are in meat packing. Workers so situated need the kind of active day-to-day protection which a Fair Employment Practice Commission will provide. Unless they are protected,

---

[3] This is a subject with which the United Packinghouse Workers are deeply concerned. We have recently published a post-war plan entitled "Meat During Post-War—Will There Be Enough?"

the gains that have been made for millions of other workers—including those in the meat-packing industry—will be in constant jeopardy.

Thus, working people, whether unionized or not, need the force of Federal law to help stamp out race and allied types of discrimination. The organized labor movement, while its own record is not perfect on the discrimination issue, is the spearhead in the attack on this source of antidemocratic practice. As an important section of organized labor, the United Packinghouse Workers of America recognize the need for Federal authority in this crucial area of the struggle to attain a more perfect democracy.

Mr. DUDLEY. Now, of the United Packinghouse Workers, about 50 percent of the production workers in the Chicago area are colored people. About 25 percent of our entire national membership are colored people. In addition to that, we have a high percentage of Mexican people, and a high percentage of Poles, Lithuanians, Irish, and Germans. Those facts we pointed out to you on the first pages of our statement.

The history of our union, we think, shows the reason why we are so concerned with this problem. Going back into the history of the packing-house industry, which commences at page 3 of our statement, we find that in the old days the companies used to stir up rivalry between the Irish and the Germans. Sometimes they would put an Irish foreman over a German crew. At other times they would put a German foreman over an Irish crew. By stirring up ill will between those two national groups, they attempted to keep the employees angry at each other and to prevent them from uniting.

In time, the Irish and the Germans closed ranks, and then the companies began to hire Polish people and Lithuanians, and again attempted to get the split between the employees.

Senator CHAVEZ. The Irish and Germans were against the Lithuanians and the Poles, then?

Mr. DUDLEY. Yes.

Subsequent to that, Negroes were brought into Chicago, and they began their role in the capacity of strikebreakers. The packinghouse companies were following the same procedure that they had followed before, of trying to keep cliques of employees fighting against each other so that they could not form unions.

That ill will came to a head in East St. Louis in the 1917 race riot and in Chicago in the race riot of 1919. The effect of that on unionism indicates the reason why our union is now so gravely concerned with the problem.

In 1921 there were hard-fought strikes through all of the packinghouse industry. At that time the ill will which had been created between the colored and the white bore fruit in favor of the companies. As we have pointed out on pages 3 and 4 of our statement, that ill will caused the strike, for all practical purposes, to be lost. The union lost it, and the companies won it.

Now, as a result of the loss of that strike and the ill will between the employees, there was almost complete sterility for the years following that. There was no serious attempt and certainly no success at organization.

In time, however, when you got to the employment days of the late 1920's, then the colored people began to realize that, although the companies had shown them preference in jobs and bringing them in as strikebreakers, that that was no guaranty, and that they could not

depend upon the companies for security and certainly not for prosperity.

With that realization on the part of the colored people, you began to get a union of the whites and the colored people in the packing-house industry. As the result of that union between the two, you had a union of employees as laborers, which now is the United Packing House Workers of America.

Our history, then, as I have pointed out to you, indicates that in the past the employees were disunited, and the union was prevented and frustrated by ill will between national groups and between racial groups, and it was not until that ill will was overcome that those employees could unite to form a strong union.

Naturally, we are interested in that union continuing in its strength and continuing in its work of getting benefits for the employees.

I might point out to the Senators, and I would also like to file for the record, if I may, our preamble. The preamble consists of only three paragraphs, and you will notice that the second paragraph of that preamble recites the importance of the employees proceeding without any discrimination on grounds of race, nationality, or creed.

Therefore, the bill which you are now considering and which you have introduced is based upon a principle that is fundamental to the existence of our union, and is recognized as such by the founders and by all of the current employees.

I would like to leave this preamble with the committee.

Senator CHAVEZ. We will be glad to have it.

(The preamble and constitution referred to will be found on file with the committee.)

Mr. DUDLEY. I would like also for the Senators to know something of what our union has been doing to prevent discrimination along the lines of education. I would like, if I might, to give you copies, which you may have for the record, of the current issue of our magazine, The Packing House Worker.

Now, you might think, by looking at this paper, that it was built especially for the purpose of this hearing, but that is not true.

I call your attention first to page 4. On page 4 of the newspaper, which came out only last week, you will find marked a note from Washington about the push being given the F. E. P. C. bill, which you are now considering.

At the bottom of page 4 you will note one of the major types of pamphlets which our union distributes and encourages our people to read is on "Race Problems."

On page 5 you will notice a column which we are running in every issue, on "The Pan-American World," which deals with the problems of the Mexican workers. This particular column deals with the problem of Mexican workers in the United States. Other issues deal with the problems of people all over the pan-American countries, including those here as well as those in their own countries.

You will also notice on page 5 an item about the C. I. O. at the Mexico City Conference; a telegram sent by the international president to the Mexico City Conference; and at the bottom of page 5, a special plug given the C. I. O. bulletin on Latin-America.

Then on page 7 you will notice a long story of a special dinner meeting held in New York City in honor of one of our international

representatives in the New York office, who happens to be a colored man; and you will notice high-lighted the picture of our vice president, who is a colored man, as well as William Rix, in whose honor the dinner was given. And you will notice there that the statement as reported in the paper features the "Fight for F. E. P. C."; and features also, on page 7, the need of a "permanent F. E. P. C." with enforcement powers.

Now, that speech wasn't given for the benefit of the Senate; that speech was given because our people realized that this is important, and our people realized the importance of educating all of our members, not only on F. E. P. C. but on the over-all problem of unity without any regard to race, nationality, religion, or sect.

Senator CHAVEZ. You speak, Mr. Dudley, about sending a representative to the conference in Mexico City. I believe that the average American understands what was done there. But do you believe that, notwithstanding the good work done in Mexico City, that if some American of Mexican ancestry is discriminated against by some packing house, or some other industrial activity, that they can be so sure, among the rank and file, that we mean what we are supposed to have said at Mexico City?

Mr. DUDLEY. Mr. Cooper, our research director, who is sitting on my left, has prepared for you a special statement on the problem of people who are descended from the Spanish nationality and who have come up from Latin-America.

Senator CHAVEZ. I am talking about this unity business and good-will proposition.

Mr. DUDLEY. I know that he is going to emphasize that for the pan-American people, the Mexican people; we can't hope to have a good-neighbor policy unless we can prove that in our own country we are willing to cooperate with the Mexicans who happen to be here, and that conferences in Mexico City are only the beginning. We have got to follow up in this country in having no discrimination and in enforcing no discrimination for the Mexicans as well as colored people and all others.

What I have tried to point out to you is the importance of this problem to our union from the point of view of our history, and also the importance which we attach to it in our educational work. I would like to leave this newspaper with the committee.

Senator CHAVEZ. It may be filed with the committee.

(The issue of the Packing House Worker referred to will be found on file with the committee.)

Mr. DUDLEY. There is one other point I wish to call your attention to, and that is this: In all of our contracts we have provisions which prohibit discrimination by the company against any employee because of race, nationality, color, creed, and so forth. We do our best to enforce the provisions of those contracts. That means that if a company is discriminating against an employee, we can take that up through the grievance procedure and can, to some extent at least, succeed in doing away with discrimination against the employees.

There is, however, one point that we have been unable to touch. That point is that the companies, although they will hire people, apparently, without discrimination, will discriminate in regard to departments. For example, both colored and Mexican people are usu-

ally put in the departments that are known as "dirty departments," they are hard-work departments. You will find no colored people or no Mexican people in the departments of the sliced bacon, for example: None of them in the clerical departments. You will find very few of them in the mechanical skill departments.

Senator CHAVEZ. They do not make good butchers or clerks?

Mr. DUDLEY. That is correct, they don't want them in the nice departments or the skilled departments.

Now our seniority is departmental, and we are not able to touch that with our contract. That is something that can be handled only if there is a Federal law with enforcement powers; so that the companies, in hiring men to the departments, can do so without discrimination. Once they are in there, we can use our grievance procedure, but before that we can't do anything about it.

Likewise, the companies discriminate in promoting the employees to supervisory jobs. Again, we can use our grievance procedure as a means of upgrading and promoting within the departments and within the nonsupervisory jobs, but we don't have any right to tell the company that this man was discriminated against because of his color in becoming a foreman, let us say. That is the companies' prerogative and not ours. There again you have to have a law that can go farther than we can go.

The final point I want to urge is this: I have tried to show you quickly how much time and effort and money we are spending on this problem. Now frankly, sir, we have not been able to do the job at all. We have done all the educating that can be done. We have done all the persuading and all the resort to facts and logic that we can. The only way to complete the job, which is admittedly serious, is by a law. If that law likewise has only educational tools, it can do no more than we are already doing.

What we need is a law that has teeth in it, and that means the bill which you, Senator, have introduced, S. 101.

Now Mr. Cooper would like to call your attention to the very serious position this will play in the program of our union for post-war security. As research director, he has turned out a pamphlet on our post-war program, and he is vitally concerned with the post-war phase of the packinghouse industry.

He also would like to deal specifically with the Pan-American problem, and those people in our country.

That is all I have.

Senator CHAVEZ. Thank you, sir. Do you have any questions, Senator?

Senator TUNNELL. Do you think S. 459 would have any effect as delaying legislation, as a delaying proposition?

Mr. DUDLEY. Of course, people may say, "Well, you have got a law, isn't that enough?" Of course, the answer is that it isn't enough, but it may take a couple of days to explain that.

Senator TUNNELL. On the other hand, if nothing were passed but S. 459, you would have nothing in the way of enforcement?

Mr. DUDLEY. We would really have nothing more than we have now, which is not sufficient.

Senator TUNNELL. And this opportunity for the passage of something effective, would have been lost?

Mr. DUDLEY. That is correct.

Senator CHAVEZ. Now, Mr. Cooper, will you state your full name and representation for the record?

STATEMENT OF LYLE COOPER, RESEARCH DIRECTOR, UNITED PACKING HOUSE WORKERS OF AMERICA (CONGRESS OF INDUSTRIAL ORGANIZATIONS)

Mr. COOPER. My name is Lyle Cooper, and I am research director of the United Packing House Workers of America, C. I. O.

I will, as Mr. Dudley said, deal with two subjects, the situation affecting the Spanish-American workers in our industry, and looking ahead a bit to certain post-war contingencies which we, along with other labor groups, face.

I would like to first give you the statement which we prepared with regard to the Spanish-American workers, which statement I will summarize briefly, but I will present it for the record.

(The document referred to is as follows:)

STATEMENT OF UNITED PACKING HOUSE WORKERS OF AMERICA BEFORE SENATE SUBCOMMITTEE ON EDUCATION AND LABOR IN BEHALF OF S. 101, PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION WITH ENFORCEMENT POWERS, MARCH 13, 1945—THE INTERESTS OF THE SPANISH-AMERICAN WORKERS

The forms of discrimination in employment experienced by Spanish-American workers in meat packing are much the same as those encountered by Negroes. The over-all situation is one where, in certain respects, the Negro workers are discriminated against more than Mexicans and in other respects the position of the Spanish-American workers is actually inferior to that of the Negroes. This brief discussion calls attention to the more important of the special handicaps under which Spanish-Americans work in the packing industry. It is shown that the case for a permanent Fair Employment Practice Commission to protect the employment interests of Spanish-American workers is essentially like the case for such legislation to assure fairer treatment to Negroes employed in meat packing.

The circumstance that a large proportion of the Mexicans do not speak English creates a special handicap for them. In many departments of the typical packing plant the ability to speak English has been set up as a prerequisite for employment. Failure to learn English might be regarded as the fault of the Mexicans. But this must be viewed in the light of the residential segregation which, Negroes state, is more strict for Mexicans—even in a northern city like Chicago—than it is for Negroes themselves. In the Los Angeles area, where the proportion of the Spanish-Americans is much higher in packing than it is in Chicago, the same residential segregation applies.

Coupled with these language and segregation handicaps must be mentioned another. This is the fact that many workers who migrated from Mexico have not become naturalized. Again, lest this be thought of as a fault of the Mexican, the fair-minded will realize that not becoming naturalized is mainly the result of the forms of discrimination, in social relations and in employment, which the Spanish-American experiences. If the worker who has come from Mexico finds he is not accepted in our social system, the problem of returning some day to Mexico is simpler than it would be for Europeans.

These factors in the social scene are important to get in correct focus. For as with the Negro, they control or condition much that goes on inside a manufacturing plant—packing included—in the way of extending special favors and/or of limiting employment to certain departments, with resultant effects on upgrading.

Companies vary somewhat in the Chicago area. Some managements limit Mexican workers largely to the sweet pickle and green meat (chiefly fresh meat for pickling) departments. Other companies employ Mexicans in the hide cellar and one or two other departments. All of these are extremely disagreeable places in which to work—cold, damp, or dusty. And most of the jobs in them are relatively low paid with few openings for upgrading to skilled classifications. Outside of these departments, in the Chicago plants Mexican workers are only occasionally found in higher paid and more desirable skilled positions. As with

Negro workers, they are never observed in the mechanical departments or in the offices. And promotions to supervisory work have been limited to a very few straw bosses.

In addition to the previously mentioned language handicap which keeps Mexican workers out of many departments, two other factors deserve mention in respect to which Mexicans do not fare as well as Negroes. One is that on the killing floors Negroes are represented fairly heavily in skilled jobs, in part as a result of having been given such jobs when they acted as strikebreakers in 1921. Many of such jobs have continued to "belong" to Negroes down to the present. In contrast, most of the Mexicans in the Chicago area arrived there beginning in 1925.

The second effect of this later date at which Mexicans came into meat packing has resulted in their failure to acquire as much seniority as Negroes in those departments where either or both groups are employed. Thus, in those companies which had a seniority arrangement predating the seniority procedure which has been introduced through collective bargaining, Negroes have received some promotions, here and there, through upgrading, which Mexican workers have not experienced. This arises because Negroes have been in meat packing for a much longer period and therefore, in given instances, have accumulated seniority for longer periods than it has been possible for Mexicans.

Here it is worth emphasizing that the benefits of seniority, both for Negroes and Mexicans, are greatly limited where— or whatever reason and by whatever devices—standards and practices are followed which keep the bulk of the particular minority group confined to certain departments in the plant.

Mexicans and Spanish-Americans born in the United States, in the bigger plants of the Los Angeles area, are numerically much more important than in the Chicago plants. In one large plant, according to latest information, they provide about 70 percent of the entire working force. But their representation in the skilled jobs is far below their total employment, and they perform almost all of the disagreeable and dirty work where, generally speaking, wage rates are lowest. In this plant to which reference is made, only one Spanish-American held the rank of foreman. The numerical importance of the Mexican in these plants of the Los Angeles area closely corresponds to that of the Negro in Chicago, with each minority group experiencing much the same narrowly limited outlook for advancement within the industry.

It is not necessary to repeat here what has already been said concerning the role of the United Packinghouse Workers in combating specific discrimination cases, together with the reasons why we strongly urge the provision by Congress of a permanent Fair Employment Practice Commission. Everything that was stated in our longer discussion, which centers attention chiefly on the problems of Negro workers, applies with equal force when the situation of the Spanish-American employee in meat packing is examined.

In this connection it is relevant to point out that the Spanish-American worker in the packing industry is a strong believer in unionism.

Our organization finds that almost 100 percent of these workers are already "sold" on the need for collective bargaining and union protection. Obviously, this attitude originates in part from the special handicaps under which these Spanish-American workers suffer. But, just as clearly, the socio-economic setting creates an atmosphere in which the case for Federal authority, to hold in check and eventually eliminate discriminatory employment practices, is overwhelming.

Taking measures to guarantee that Spanish-American workers have a square deal with respect to employment opportunities is not purely a domestic problem. The good-neighbor policy in our relations with Latin-American nations inevitably draws attention to any practices or conditions within the United States which raise questions about our good faith. As is well known, there are elements in Latin America who, for their own reasons, seek to cast doubt on the motives of the United States in its dealings with nations below the Rio Grande. Federal protection of the nature embodied in S. 101 represents the kind of tangible, practical action by our Nation which speaks louder and more convincingly than declarations of good intention, however sincere they may be.

That statement centers attention mainly on two areas, the Chicago area and the Los Angeles area.

In Chicago the number of Spanish-Americans, mostly Mexican workers, is not very large, it being probably about six or seven hundred in the packing industry; but they experience essentially the same

handicaps and forms of discrimination as Negro workers do. They are limited to certain departments such as, in the language of the industry, the "sweet pickle department," where hams and other pork cuts are prepared for curing; the green meat department—meaning fresh meat; the hide cellar, which is described to me by workers in the industry as pretty much of a hell hole; and in some companies there is a scattering of workers in a few other departments.

Now it just happens, as I have learned from talking to a good many people in Chicago, in the industry, that the Spanish-American workers undergo certain handicaps more severely even than Negro workers. That arises out of the following circumstances. In the first place there is the language difficulty for many of these workers. A large portion of them, in the Chicago area at least, came up in the 1920's.

Senator CHAVEZ. The older people?

Mr. COOPER. Yes. And they have been segregated. I am told that the housing restrictions are even more severe in Chicago for Spanish-American workers than for Negroes, if that is possible, and my informants on that are Negroes.

The language handicap operates in this manner, that in most companies the ability to speak English is a requisite for employment in many departments. That automatically bars these workers from such departments.

Senator CHAVEZ. Of course, in many instances, the reason for the language requirement would be for safety and security reasons, isn't that correct?

Mr. COOPER. Yes.

Senator CHAVEZ. But nevertheless the handicap is still there.

Mr. COOPER. That is correct.

Another consideration relates to seniority. Since these workers came up fairly recently, many of them, in those departments where they are employed often find that other workers, including Negroes, have acquired a longer period of seniority. Therefore, promotions or upgrading automatically operates against them.

Now in the Los Angeles area, which is becoming an increasingly important packing-house center, the Spanish-American workers play almost exactly the same role that the Negroes do in Chicago, that is to say, in respect to numbers.

In one large plant, for example, 70 percent of the entire working force consists of Spanish-Americans. These 70 percent are limited, confined to certain departments. These are the lower-paid, the less-skilled, and the more disagreeable types of work. In that particular plant, over a long period of years only one individual has become a foreman, and, as in the Chicago area, no Spanish-American workers are in the office force.

Well, this describes the condition, I think, and in some ways the picture is essentially the same as that confronting the Negroes; but in certain respects, due to circumstances, it is even worse.

If you will bear with me I would like to read the final paragraph of this short statement, because it directs attention to a feature which I think is of extreme importance:

> Taking measures to guarantee that Spanish-American workers have a square deal with respect to employment opportunities is not purely a domestic problem. The good-neighbor policy in our relations with Latin-American nations inevitably draws attention to any practices or conditions within the United States which

raise questions about our good faith. As is well known, there are elements in Latin-America who, for their own reasons, seek to cast doubt on the motives of the United States in its dealings with nations below the Rio Grande. Federal protection of the nature embodied in S. 101 represents the kind of tangible, practical action by our Nation which speaks louder and more convincingly than declarations of good intention, however sincere they may be.

Now briefly, in regard to the post-war perspective, as Mr. Dudley said, 2 or 3 months ago we prepared a post-war plan, which seems to be the thing nowadays, and in that we point out that the prospects for full employment in the general economy throughout the country really govern what happens, first with regard to the fortunes of livestock growers; then, with regard to the meat-packing companies themselves; and, of course, our immediate concern, the prospects for employees in that industry.

Now, along with this outlook, which, of course, is contingent on certain things happening, whether we have full employment—we take into consideration the fact, as Mr. Dudley said, that we have such a high proportion of Negroes and other minority groups in our industry.

In the Chicago area it is well understood by people who reside there, that during the last 6 months or so there has been rising talk, gossip, loose talk, if you like, about the need to oust Negroes particularly from employment. This arises out of the fear that in post-war there will be extensive unemployment and that there won't be enough jobs to go around.

In the packing-house industry, as such, we think we have that, under present conditions, under good control. We carry on an educational program among our own membership. But we can't be purely Utopian in looking ahead to what may happen. We have to think of the worst possibilities as well as the best, and these worst possibilities could very easily involve a repetition of the 1919 riots, a breaking down of the good start which we have made in the field of industrial relations with the packing-house managements.

To be realistic we must admit that some of these managements are not completely sold on the idea of unionism. To be realistic we must also understand that under certain contingencies of extensive unemployment, and the opportunity to get out from under collective bargaining, the old device which has been used successfully in the past, of generating friction among nationalities and racial groups, could be resorted to again. We hope that won't happen and we don't think certain companies would initiate that sort of, shall I say, un-American conduct. But, as realists we must admit that if one or more companies started that sort of thing, and were able to get away with it, they would, through competitive reasons if for no other, induce or force other companies to follow suit.

Well, I think you see what I have been heading for, namely, the importance and the essential need for Federal protection of the sort which is embodied in S. 101, in order to strengthen and maintain the gains which have been made, which we feel are not only desirable from the standpoint of labor as a whole, but surely in our industry represent great gains for these minority groups.

Thank you very much.

Senator CHAVEZ. Thank you, Mr. Cooper. Are there any questions, Senator Tunnell?

Senator TUNNELL. I have none.

Senator CHAVEZ. Is Mr. Epstein present?

Mr. EPSTEIN. Yes, sir.

Senator CHAVEZ. State your name to the reporter, and the name of the organization which you represent.

STATEMENT OF HENRY EPSTEIN, CHAIRMAN, PUBLIC RELATIONS COMMITTEE, NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

Mr. EPSTEIN. My name is Henry Epstein. I speak as chairman of the public relations committee of the National Community Relations Advisory Council.

This organization is a national organization which encompasses within its membership the Jewish community councils of 18 metropolitan cities from Boston, on the Atlantic coast, to San Francisco, on the Pacific. In addition, its membership includes the following national agencies:

American Jewish Committee.
American Jewish Congress.
Anti-Defamation League of B'nai B'rith.
Jewish Labor Committee.
Jewish War Veterans of the United States.
Union of American Hebrew Congregations.

The National Community Relations Advisory Council formulates the policies and coordinates the activities of these 18 national organizations.

All of these metropolitan centers are beset by the problems of racial and minority tensions which seem to be accentuated more as economic conditions become fluid, so that there is no established clear vision of a stable period.

In its plenary session the national council unanimously went on record as favoring Senate bill 101 inasmuch as it believes that this bill embodies within it the greatest single weapon for implementing our political democracy with industrial democracy, and that for that purpose no other measure comparable to it has ever been placed before the Congress of the United States in the field of implementing the political democracy, which is instinct in the immortal Declaration, and which is found in effective form within the Constitution of the United States.

I shall be brief, with due deference to the committee's time.

All over the world the forces of democracy at the present time are on the offensive, destroying what I might say are the Lore-"lies" of Nazi racism in the Rhineland, and in the jungles of the Pacific and among the mountain passes of Asia these forces are at work.

Here in the United States the democratic forces which are represented in the spirit and the letter of the Senate bill 101, are marching ahead despite the opposition of certain forces of reaction which seem at this time to have begun to creep out, if I may say, from their hiding places.

My own very brief experience as counsel in preparing the evidence for presentation at the railroad hearings of the President's Fair Employment Practices Committee in December of 1942 and January of

1943, gave me ample opportunity to see the helplessness of voluntary efforts. I was retained as the first general counsel to conduct those hearings, and prepared, in collaboration with the staff of the President's F. E. P. C., the evidence for presentation at the hearings which were scheduled for January 25 and 26, 1943.

Then, when the evidence was prepared, and we were about to proceed, the President had departed for Casa Blanca and the head of the Manpower Commission suddenly canceled the hearings. I then resigned as counsel in order to point up what then seemed to me to be an attempt to evade the issue which was of paramount importance, in the marshaling of the forces of manpower for the war effort in this country.

The hearings, which were subsequently held in September of that year, presented that evidence and showed that, while you could find out where certain discriminations were experienced and practiced in several industries, and where, in view of the wartime conditions you could accomplish certain minimal effects as a result of the very inquiry and the personal contacts, that when you came to the serious problems dealing with mass industries and with large-scale discriminations, with historic backgrounds and traditions, you couldn't accomplish anything unless you had the sanctions of enforcement.

The major acts in violation of the most elementary principles of democracy in action, have as yet, in industrial America, gone untouched and unpunished.

Those who speak in opposition to S. 101 because, as they remark, "You cannot legislate prejudice or morals out of people's hearts or minds," fail to appreciate that legislation is the greatest single educational force which democratic government has at its command.

A test, made through the agencies of a research group, ascertained that in the grade schools you found feelings of anti-Semitism in 14 percent of the children; in 18 percent of the children in the secondary schools; and to the extent of 34 percent in the colleges. Now that doesn't mean that the forces of education generate prejudice. It means that as they grow older they absorb the effects of environmental conditions, and they reflect them, whether they are of a higher grade of education or a lower grade of education.

In the experience of an educator recently, in pointing up this question of the gradual approach to opposition to people who are different, in the nursery school period and up to the age of 6, it was found that youngsters occasionally, when they were in classes with Negro children, would put their hands on the skin of the Negro child and then look at their hands to see whether the color had come off. There was the simple, naive reaction of the child's mind, and in all other episodes of play and so forth there were no expressions or indications or manifestations of prejudice.

When you reach the age of adolescence, about 16 to 20, you find generated, as the result of the absorption of the influences of community, family, organizations, and so forth, a very definite feeling of antipathy to different groups that can be distinguished.

When you reach the ages of 35 to 45 you find the keenest amount of that feeling of antipathy, because there you have the frustration of early manhood and the desire to find some manner of expression which

will seek, through the frustration of the individual, to find what is known popularly as the scapegoat.

While it is true that you cannot legislate prejudice out of people's hearts and minds, it is a fact, established by our history, that you can legislate the manifestations of that prejudice out of their actions insofar as they affect their neighbors, community, and the Nation, and in a remarkably short time the barriers of that prejudice must, perforce, fall through the force of facts in action, by democracy at work.

Now, at San Francisco the United Nations are going to meet to formulate a program for big and little peoples to live within one world. In that one world we must always keep in mind that one-fourth is white and that three-fourths are black and brown and yellow; that religious differences abound; that the United Nations' soldiers, including our own, are fighting on all fronts side by side, and we know that in battle and in death there is no discrimination because of race or color or creed or national origin.

The Shepherd of Galilee in His humble way did not preach that there should be any discrimination in life itself.

It is the future, Senators, that you are building by your legislative acts today as at no other time in the history of this country and in the history of the world.

This Fair Employment Practice Act, S. 101, permanent, with teeth intact, will be, if I may paraphrase the Holy Book, as a sign upon the doorposts to the peoples of the world that the United States of America has really come of age, and that here we will practice what our immortal Declaration and our matchless Constitution have preached, and to some extent practiced—democracy, political and industrial democracy.

This bill is the logical complement and counterpart to the political democracy instinct within the Constitution of the United States.

On behalf of the organizations which I represent, may I urge that favorable action be taken by your committee on Senate bill 101, and that you do so with its eye teeth and its molars intact.

Thank you.

Senator CHAVEZ. Thank you for your very fine statement.

Do you have any questions, Senator?

Senator TUNNELL. I have no questions; no.

Senator CHAVEZ. The committee will stand adjourned until 2:30 this afternoon.

(Whereupon, at 12:15 p. m., the committee adjourned until 2:30 p. m. of the same day.)

AFTERNOON SESSION

(The committee reconvened at 2:30 p. m., pursuant to recess.)

Senator CHAVEZ. The committee will be in order.

Mr. Henderson is the first witness. Will you kindly identify yourself for the record?

STATEMENT OF DONALD HENDERSON, PRESIDENT, FOOD, TOBACCO, AGRICULTURAL AND ALLIED WORKERS UNION OF AMERICA (CONGRESS OF INDUSTRIAL ORGANIZATIONS)

Mr. HENDERSON. My name is Donald Henderson. I am international president of the Food, Tobacco, Agricultural, and Allied Workers Union of America, C. I. O.

I appreciate this opportunity to appear here today to speak in behalf of a permanent Fair Employment Practices Commission.

The fight to wipe out discrimination in the United States is one of the major concerns of our union, and a direct concern, since a high proportion of our members are from minority groups—Spanish-speaking people, Negroes and Filipinos.

We feel that establishment of a permanent F. E. P. C. is imperative, and I should like to briefly cite some situations in our plants and industries to illustrate why we have this sense of urgency.

When I speak of a permanent F. E. P. C., I of course refer to an agency which will have teeth in it, enforcement powers such as are provided in Senate bill 101. I want to make it quite plain that we consider the so-called Taft bill wholly inadequate. I am sure that in our industries especially, general investigations and publicity as are proposed by the Taft measure would be wholly inadequate to solve the problems. Such an agency would be merely a mockery of an F. E. P. C., with no substance. When we advocate a permanent F. E. P. C., therefore, we speak for a flesh-and-blood bill like S. 101, which would honestly tackle the problems and concern itself with solving them.

In agriculture, in the canning, tobacco, and fresh fruit and vegetable packing industries, and in the miscellaneous food and fiber processing industries, Spanish-American, Negro, Filipino, Chinese, and even Indian workers have historically been employed in large numbers.

Senator CHAVEZ. What do you mean by "Indian workers"—American Indians?

Mr. HENDERSON. American Indians; yes.

Wages in these industries are among the lowest in the country and it can fairly be said that discrimination against minority groups has been a major cause of low wages. The resulting disadvantaged economic status of all the workers in these industries has produced social, health, and other problems of outstanding proportions.

During the war many of these groups have been able for the first time to achieve a higher degree of economic equality. Workers from minority groups have been able to put into effect their desire to contribute to the war effort. The Fair Employment Practices Committee has helped to guarantee this basic civil right of equal opportunity in the interest of the prosecution of the war.

I want to take the Filipino people first. Over half of the 5,000 members of our local union in Seattle are Filipino people. These members man the Alaska salmon canneries for the 2 or 3 months' season each summer. Before the war, within the local union they found full democratic opportunity. The union achieved great progress because of the unity of all the workers, regardless of nationality. Wages and conditions were corrected in the industry to the point where a notorious sweat-shop industry could be said to meet modern standards of conditions and pay.

Boats used for transportation to the canneries, and living quarters in Alaska were cleaned up and the food improved through union negotiations, even to the point of having precise union menus written into union contracts, so that the canned-salmon workers lived at an American standard of living. Wages were increased as much as 500 percent, so that today a man can earn from $600 to $900 for the season in Alaska.

Senator CHAVEZ. How long is the season?

Mr. HENDERSON. Two or three months.

But this is only a small island of democracy for these people. For the rest of the year the only work open to them, before the war, was agricultural labor up and down the west coast.

After Pearl Harbor, more than 1,500 members of the local joined the Filipino battalions—a recruiting officer signed the men up right in the union hall, and numbers of others found that war jobs in the factories were opening up to them as a result of the war.

Are the men who are fighting today in the Philippines going to be told after the war that they are not good enough to man machines for the remaining 9 months of the year? Are they going to be told that they must earn their living on their knees in the fields simply because of their nationality? To ask the question is to answer it. And knowing the history of discrimination against these people I can predict that we must have a Federal agency with authority if we are to enforce "no discrimination," so far as these people are concerned, after the war.

The Spanish-speaking people are similarly situated. There is a sordid past in employment practices for Latin Americans, particularly in the Southwest, where every effort was made by selfish interests to condemn and brand these workers as "cheap labor." For them it was only the stoop labor, the track labor, the wet labor in fields and plants, the intense labor in the heat of the desert, the cold work while thinning sugar beets on hands and knees, often with snow still on the ground. They were to become and remain the "birds of passage"—rootless, isolated, ostracized people, moving with the harvests from spring to fall, and wintering unemployed in squalor, accused of pauperism.

The food-processing and fresh-fruit and vegetable-packing industries in California are replete with examples of discriminatory wage structures and discriminatory practices in hiring and upgrading of workers. For example, in the citrus-packing industry in California, which employs some 30,000 workers, there is a differential between the rates in southern California, where a large proportion of Latin-American workers are employed, and in central California, where there is a very much lower proportion employed. The southern California rates are generally and frankly referred to as the "Mexican wage rates" and are, on the average, 15 percent below the central California rates.

Until very recently there were a number of packing sheds in southern California which employed no Mexican workers, although they were located in communities which are made up largely of Spanish Americans. The workers in these communities were forced to travel considerable distances to obtain employment. However, the wage rates in these packing sheds were kept at the "Mexican wage rate" level, a clear-cut example of the manner in which a wage structure depressed through the exploitation of a minority group, results in low wages for all workers in the industry.

The citrus-packing industry as a whole, as compared with other packing industries in California such as lettuce, melon, tomato packing, and so forth, has historically had a lower wage structure. This is a direct result of the fact that the noncitrus sections of the industry have employed very few Mexican workers in the past. During the

war large numbers have been employed in the noncitrus sheds, which are now almost wholly under contract with our union.

There are outstanding examples of discrimination against Mexican workers in the canning industry in and around Los Angeles. Mexican workers have in the past been employed only seasonally, but have not been given year-round jobs and have been held to the lower rated jobs. With the organization of those plants, upgrading of Mexican workers is now taking place, and they are being employed to a greater extent as year-round workers through the efforts of our union.

However, there are indications already that when the war ends attempts will be made to reverse this trend. Unless a permanent agency is created to handle this type of problem, there will be an intensification of the economic and social problems which already exist.

Without a Federal F. E. P. C., the future of the Latin-American peoples in this country is indeed dark. Unless we have such an agency, it will be difficult for the union alone to prevent complete reversion to the old-time discriminatory practices, and virtually impossible for the union to promote more upgrading and equal job opportunity. The Taft bill would be wholly useless in connection with people of Latin-American background, for they are not even covered by the grounds for discrimination outlined in the Taft bill.

In many plants in our industries Negro people have been hired during the war for the first time, and as a result have made a major contribution to the remarkable war-production record of the food industry in the United States. Companies hesitant to start hiring Negro people have been encouraged to do so because of President Roosevelt's order against discrimination, and because the Fair Employment Practices Committee is able to assist in enforcing the policy.

At the Campbell Soup plant in Camden, N. J., which employs about 70 percent women, no Negro women were employed until November 1942. Today, out of a total of some 8,000 workers there, there are some 3,000 Negro women, and the proportion of Negro men has also increased. In fact, about 50 percent of the Campbell Soup workers are Negroes in the Camden plant, which is famous for its war-production record and is a holder of the "A" award.

The Negro people were not hired as a matter of course. The union engaged in long negotiations with management prior to adoption of the new hiring policy in 1942, and, in fact, used the existing of the Fair Employment Practices Committee as the final argument which convinced management.

Race relations at the plant now are entirely smooth, and for this large credit must be given to the Fair Employment Practices Committee. The mere existence of the F. E. P. C. bolstered the union program for hiring of Negroes strategically, even though it did not have to take direct action.

What will happen after the war? At this time a Fair Employment Practices Commission, ready to arbitrate disputes which may arise and to insist on continuation of no discrimination, will be essential.

It is quite possible that production will be maintained at a high level at the Campbell Soup plant, but lay-offs may well occur in transition periods and between seasons. At this time the union is fearful that the company's latent preference for white employees may make itself felt. Under the senority clause ability is taken into consideration in lay-offs. Supposing 50 of the women must be laid off a job and produc-

tion records and lengths of service are about equal among Negro and white workers. Since company spokesmen still speak of Negroes as less efficient, will they not discover that most of the Negro women are less efficient than the white women? Should disputes of this nature arise, it would be imperative that a Federal Government agency arbitrate before the issue becomes a hot race question, with all the seeds of civil discord which that implies.

The union believes that production may expand over war levels in this plant, but we suspect that where labor is plentiful the company will decide to return to its pre-war policy of hiring white women only. It would require the authority of a Federal agency to prevent such abandonment of the nondiscriminatory policy in hiring labor.

The situation in the other Campbell Soup plant in Chicago, also under contract to our union, is very similar.

A further illustration is the situation in the American Tobacco Co.'s plants, which are typical of a number of tobacco companies. Production in these plants is not as essential as in food plants, but with a higher proportion of the cigars going to the armed services we can take pride that production has been maintained and should note that it is Negro people who filled the breach created by workers leaving for the Army and for higher-paid war jobs.

At the American Tobacco Co.'s plant in Charleston, S. C., some 1,300 Negro and 500 white workers man the plant today. Before the war there were about 1,000 white workers and 500 Negro. In the Philadelphia plant of the same company, Negro employment has increased from about 40, out of a total of 650 workers before the war, to over 200 workers today.

In both of these plants Negroes have been upgraded to skilled cigar-making jobs. They were employed and upgraded in increasing numbers from 1942 on, as labor became progressively scarcer.

What will happen after the war? Our members in Charleston, S. C., recall an incident back in 1931 which they feel gives a clue to the answer. M department was closed down and Negroes who worked there were either sent home or transferred to other jobs. When the department was opened again, it was staffed wholly by white people. To be sure, at that time there was no union contract with seniority provisions, but should such a policy of discrimination against Negro people set in after the war the union would have a situation on its hands pregnant with overwrought race feelings, and not only the union but the community as a whole would face the problem.

A fair Federal policy of nondiscrimination, applied and enforced by a permanent Fair Employment Practices Commission, would seem to me to be the only sure means of keeping the keel level. This is doubly important in a southern city, for it would indeed be a tragedy should the old game of playing off race against race, to keep the wage level low, be reinstated in full force. Certainly this would militate seriously against an expanding national economy based on full employment throughout the country.

In the examples discussed it is clear that progress has been made in our plants in breaking down discrimination against Negro people, and that we not only desire, but believe it imperative, that this be maintained after the war. Thousands of like situations exist throughout the rest of our union and throughout the rest of American industry.

But there are also many plants where this is not true. It is not enough for us to fight for no discrimination in our plants. The problem cannot be isolated. Should employment, for reasons beyond our control, fall off in organized plants, Negroes who are laid off must have an equal chance with white people to find employment in unorganized plants

This is not the case at present. In Camden, Chicago, Philadelphia, or Charleston, the location of the plants which I have cited as examples, there are many other plants where Negro workers who are laid off could not find employment.

I have confined myself so far to a statement indicating the need of many of our members for a permanent F. E. P. C. I now want to make it clear that our union, the Food, Tobacco, Agricultural and Allied Workers Union of America, is fully aware that wiping out discrimination at home is an immediate concern of all Americans, and not only the concern of the minority groups directly affected.

We know that energetic and consistent national policies against discrimination are an important factor in continuing to improve our good relations with Latin-American countries, with countries populated by colored peoples, and with the Philippine Islands.

We know that to realize the program of 60,000,000 jobs, and lasting peace for all the people of the United States, we must do away with discrimination. A country cannot be prosperous which tolerates suppression of millions of people, preventing them from taking their full place in the production and consumption of goods and services.

I had a personal experience, Senator, in Texas, that made a deep impression upon me. It had to do with the workers in the pecan-shelling industry in San Antonio. We had a little local down there of some 20 or 30 workers. Industry tried to cut the wages from 4½ cents an hour to 4 cents an hour, and some 10,000 workers struck, all of them Spanish-speaking workers.

I was privileged to go in there and give successful leadership to that strike. It went on for several weeks, and it was pretty bitter.

It made an impression upon the President of Mexico and he made the remark, "My God, an American union is putting up a fight for the Latin-Americans."

I don't think anything would have more repercussions for good than an evidence on the part of the American people to wipe out, even in small measure, to make a beginning of wiping out, the vast discriminatory practices that are employed against the minorities in this country. The failure to do that can likewise have a tremendous repercussion for bad.——

Senator CHAVEZ (interposing). Well, of course, when we meet at a place like Mexico City for the Inter-American Conference, generally the ones who meet are the representatives of government. The rank and file, outside of this particular one, are not generally represented. Now they did have members of the Farmers' Union and of C. I. O. and other labor organizations in Mexico City. But I don't care how many meetings they have, if they are going to pay 70 cents a day for picking cotton in the Southwest just because they happen to be Mexicans, they are not going to meet the problem; it is impossible.

Mr. HENDERSON. Well, I have very strongly the feeling that through an effective Fair Employment Practices Committee such as is envisaged

in Senate bill 101, whatever progress can be made—and I am not under any illusion that we are going to automatically and very quickly wipe out all of these discriminatory practices and customs, and especially in the economic field, overnight——

Senator CHAVEZ (interposing). No more than you can prevent murder by saying that murder is a crime.

Mr. HENDERSON. That is right. I do think that Senate bill 101 gives us an opportunity to make a beginning, and to compare it to the Taft bill, Senate bill 101 appears to me to be an effective kind of education in getting rid of a lot of the things that we put under the heading of discrimination; whereas, the Taft bill is a perfectly ineffective method of education. There is no use digging up facts perpetually when what is needed is action in order to further the educational process.

I feel that this problem in relation to the post-war economic and peace situation, can have tremendous repercussions for good or for ill. My personal experiences have been that whenever we in this country do anything to help remove discrimination against the Spanish-speaking peoples in this country, whether citizen or non-citizen, that this receives a great deal of attention throughout the South and Central American countries, and the failure to remove these discriminatory practices equally has the reverse effect and gets a great deal of attention.

We cannot impress our Latin-American brethren and our other colored peoples throughout the world with our good faith in any more effective way than to pass Senate bill 101 and make a beginning in getting rid of these discriminatory practices.

Thank you very much.

Senator CHAVEZ. Thank you, Mr. Henderson, for a very fine statement.

I understand that Mr. Zimmerman is not present but that Mr. Umhey will take his place?

Mr. UMHEY. That is correct.

Senator CHAVEZ. Please identify yourself for the record, Mr. Umhey.

STATEMENT OF FREDERICK F. UMHEY, EXECUTIVE SECRETARY, INTERNATIONAL LADIES' GARMENT WORKERS UNION (AMERICAN FEDERATION OF LABOR)

Mr. UMHEY. My name is Frederick F. Umhey and I am executive secretary of the International Ladies' Garment Workers Union, an affiliate of the A. F. of L.

I am appearing here on behalf of our 325,000 members in hundreds of communities in almost every State of the Union, who are virtually unanimous in support of Senate bill 101, the bill for a permanent F. E. P. C. now before Congress.

We feel very deeply that discrimination in employment on racial, religious, or national grounds should be outlawed by Federal enactment and we respectfully appeal to your committee and to the Congress to adopt this legislation as speedily as possible.

There is surely no need to emphasize the urgency of the situation that calls for action. According to the best estimates there are nearly

50 million people in this country who in one way or another are subject to discrimination in economic opportunity because of their race, religion, or national origin. While we are fighting to crush the evil forces of hatred and oppression abroad, can we permit that same evil philosophy to prevail in our own economic and social system at home?

Of all forms of discrimination, that which affects economic life is perhaps most vicious, for it strikes at a man's opportunity to make a living for himself and his family and thus at his very right to existence. Yet discrimination of this sort on grounds of race, religion, or national origin, was rampant in our country before the war. There has been some improvement in the situation in wartime, but this should not lull us into false security. Naturally, when there are two jobs available for every worker, discrimination tends to become less virulent, but what will happen after the war when the employment situation is reversed and there are more men than jobs? Shall we wait until bitter competition for jobs again breaks out and the members of our minority groups, whether Negroes, Jews, Catholics, or Latin-Americans, again feel the heavy weight of bigotry and are again denied access to the opportunities to which their skills and abilities may entitle them? Would it not be wiser and more far-sighted to act now and as part of our planning for the better and finer America of tomorrow, to lay the foundations for genuine equality of opportunity among all sections of the American people? To evade this responsibility would be treason to our democratic ideals and to the cause for which millions of our boys are now fighting on the battle fronts of the world.

I know that in this committee, as in Congress and among our people, there is general agreement that racial and religious discrimination is an intolerable shame and must be eliminated as speedily as possible. Experience has shown that such discrimination has the most disastrous consequences not only for those who are its victims, but also for the Nation as a whole. It hampers the full development of economic resources and the improvement of living standards; it prevents a large portion of our people from contributing to the national welfare to the limit of their abilities; it undermines national unity and divides the Nation against itself; and above all, it poisons our national ideals at their very source and turns our professions of democracy into a hollow mockery. The democratic way of life, which we are fighting to preserve, cannot survive side by side with racial hatred and intolerance.

The International Ladies' Garment Workers' Union feels very strongly on this subject, not only out of concern for the future of American democracy, but also because in our ranks are to be found large numbers of members belonging to those minority groups that are the common victims of racial or religious intolerance. At our international convention, held in Boston at the beginning of June 1944, a resolution was unanimously adopted "strongly endorsing the movement for a permanent F. E. P. C." and urging the adoption of the Scanlon-Dawson-LaFollette bill, the predecessor of the present bill S. 101.

In our own organization, and as far as our influence extends, we show no quarter to bigotry or prejudice. Hundreds of thousands of our members of many races, religions, and national origins work side

by side in the factory and in the union in a spirit of fraternal equality and good will. We earnestly hope to see a similar spirit permeate all of American life and we believe that the adoption of the legislation before your committee will be a big step in that direction.

Senate bill 101 appears to us to be the best legislation for this purpose. It is a carefully drafted measure to give permanent statutory basis to the Fair Employment Practice Committee that has done such notable work in the past three and a half years. It outlaws discrimination in employment on grounds of race, color, creed, or national origin, and applies equally to the Federal Government, to firms working on Government contracts, to concerns in interstate or foreign commerce, and to labor unions in such areas of jurisdiction. It establishes a quasi-judicial tribunal to be known as the Fair Employment Practice Committee, to implement the law, and empowers this agency, after proper hearings and as a last resort after efforts at voluntary compliance have failed, to resort to the usual court processes of enforcement.

Management is left free to determine its hiring, promotion, and discharge policies any way it pleases so long as there is no arbitrary discrimination because of race, creed, color, or national origin. In the same way, labor unions are left free to manage their affairs in their own way except that they cannot deny the advantages of union membership and collective bargaining to any person on the above grounds. We believe that this measure deserves the full support of your committee since it is but the legislative embodiment of the American spirit of equality of opportunity that lies at the foundation of our democracy.

The superiority of S. 101 to Senator Taft's substitute proposal seems to us obvious on its face. Indeed, the Taft bill, by eliminating all enforcement powers of the proposed F. E. P. C., would virtually destroy the entire idea. Senator Taft proposes to rely upon public sentiment and upon that alone. Of course, enlightened public sentiment is essential to the success of any antidiscriminatory legislation, as indeed to any legislation at all. But experience has shown that public sentiment alone cannot do the job. A law without a penalty is mere advice, and if advice were all that were needed, there would be no problem, for good advice has been forthcoming for decades. Good advice and public sentiment were abundant on public utilities, the control of trusts, and labor's right to organize and bargain collectively; yet, until legislation with provisions for enforcement was enacted, neither the advice nor the public sentiment could make itself effective. We should not ignore this lesson when we come to deal with so crucial a problem as the eradication of undemocratic discrimination in employment.

On the basis of a careful examination of Senate bill 101, and the Taft bill, we conclude the former to be superior on the following grounds:

1. S. 101 specifically makes discrimination in employment unlawful. The Taft bill does not.

2. (*a*) The Taft bill excludes "national origin or ancestry" from the improper grounds of discrimination listed in S. 101. This, it is feared, would deny protection to several million Americans of Mexican and Latin-American origin, and to other millions of foreign ancestry.

(*b*) The Taft bill provides merely for the investigation of discrimination in Federal employment, while S. 101 would refer such cases to the President for action when necessary.

(c) The Taft bill does not provide that contracts entered into with the Government must contain a clause forbidding discrimination, whereas S. 101 does.

3. The Taft bill has absolutely no enforcement provision, as mentioned above. S. 101, on the other hand, gives the Commission authority to enforce the law through the usual court procedure. The present F. E. P. C., it is true, has no enforcement powers, either, but it operates under conditions of acute manpower shortage and with the President's special wartime powers. Neither of these conditions would exist after the war.

4. The Taft bill does not provide protection against reprisals to employees who complain to the Commission. It does not provide for relief of those found to have been discriminated against. Both of these provisions are included in S. 101.

Legislation against discrimination in employment is of more than economic significance. It goes to the very roots of our American way of life. Millions of our men now fighting to destroy the barbaric forces of racial hatred belong to minority groups subject to discrimination. Are they to return, after victory has been won abroad, to find America denying them their equal rights at home? This must not be. We earnestly appeal to your committee to report out S. 101 and to do everything in your power to procure its speedy passage by Congress.

Senator CHAVEZ. Does that conclude your statement?

Mr. UMHEY. That concludes my statement.

Senator CHAVEZ. Thank you, sir.

Mr. UMPHEY. Thank you.

Senator CHAVEZ. Mr. Minkoff?

Mr. MINKOFF. Yes sir.

Senator CHAVEZ. Will you state your name for the reporter, and the name of the organization which you represent?

STATEMENT OF NATHANIEL M. MINKOFF, REPRESENTING THE JEWISH LABOR COMMITTEE

Mr. MINKOFF. My name is Nathaniel M. Minkoff, representing the Jewish Labor Committee.

Senator Chavez, the Jewish Labor Comittee, which I have the honor of representing before you today, is a national federated organization established in 1933, with headquarters at 175 East Broadway, New York City. It has a total membership of over half a million, mostly Jewish workingmen and workingwomen, affiliated with the A. F. of L. or C. I. O.

I appear before your committee to express the unanimous hope and prayer of these men and women that the bipartisan antidiscrimination bill, S. 101, which you are considering, will be favorably reported by you and ultimately enacted into law. We feel it is one of the most urgent pieces of legislation now before Congress.

Surely I need not rehearse before your committee the evil consequence of racial and religious bigotry throughout the ages. Since time immemorial, from the age of Pharaoh to the age of Hitler, Jews have been the victims of such prejudice and bigotry, with results only too clearly recorded in history. Deprived of equal opportunity in economic life, frequently denied the equal protection of the laws, exposed to discrimination and hatred, the great mass of Jews throughout

Europe have been prevented from acquiring a secure and normal position in society and have, therefore, been condemned to hopeless poverty or else forced to overcrowd the few occupations left open to them—and then this very condition has been held against them as indicating their unwillingness or inability to fit into the normal pattern of national life. Thus does prejudice feed upon the condition it creates, and at one and the same time robs its victims of their means of existence, and the community of the full measure of their service.

In our own country, manifestations of economic discrimination, though far less pronounced than in the Old World, have not been absent. Many employments and economic opportunities have been virtually closed to Jews, as to members of other minority groups. The emergency of the war has shown that all sections of our people, whatever their race, color, creed, or national origin, are capable of contributing to the national welfare in equal measure and of taking their equal part in the upbuilding of America.

The war, happily, is approaching a victorious conclusion. We are already looking forward to peacetime reconversion. Shall we reconvert to racial prejudice, national bigotry, and religious discrimination, or shall we reconvert to genuine equality for all Americans? That is the question which confronts your committee, Mr. Chairman. By approving S. 101 you can do a great service toward strengthening the foundations of our democracy and securing to our people equal opportunity in making a living, upon which the pursuit of happiness, promised under the Declaration of Independence, depends.

I am making this plea not merely on behalf of our Jewish fellow citizens but on behalf of all the racial, religious, and national minorities in our country, which embrace some thirty or forty millions of our people. I plead, as well, for the Negroes, for the Catholics, for our people of Latin-American and oriental origin. All are subject, in varying degrees, to discrimination and prejudice in the field of economic opportunity, and all look to your committee and to Congress for relief.

Although the condition with which we are confronted is an old one, the need for action is most urgent. The immediate post-war period is bound to be one of great difficulty, and the first to suffer the brunt of deflation and readjustment will certainly be the members of minority groups, such as Negroes or Jews, who even today have not yet obtained a secure foothold in American industry. We cannot, we must not, wait until the sharp competition for jobs breaks out again, generating a new wave of intolerance in which a fair and objective consideration of the problem will be well-nigh impossible.

Now is the time for action while the thought of the Nation is directed toward laying the foundations of the America of the future—an America, let us fervently pray, free from the blighting curse of hatred, bigotry, and discrimination. To fail to act at this time would shamefully belie our professions of equality and democracy in the name of which our boys are bleeding and dying on the far-flung battle fronts of the world.

Now, I am not unmindful, Senator, that there are some among us who do not feel the way we do on this subject, who are opposed to the bill under consideration. That should not dissuade us from going ahead. In a free country there should be room for differences of opinion. It is only in the totalitarian countries that everybody thinks the

way the leader thinks. But in America, thank God, we can have our disagreements, and yet by discussion——

Senator CHAVEZ (interposing). May I interrupt you?

Mr. MINKOFF. Yes, Senator.

Senator CHAVEZ. The discouraging thing is that once in a while we see people whose ancestors have suffered intolerance, tolerating intolerance.

Mr. MINKOFF. Indeed, Senator, that is true.

Senator CHAVEZ. Take the strike in Philadelphia. As I recall it, the two leaders of the strike—and the strike was called for the reason that Negroes were going to be employed—had Irish names, those same two men forgetting that if anyone has suffered from intolerance it has been the Irish, even in this country. It was stated here before this committee at the last hearings, by Monsignor Ryan, speaking about that particular strike—he said:

> They forget that 100 years ago, right here in Philadelphia, the same place where the strike took place, they were burning Catholic churches and killing Irish people.

That is a discouraging thing, once in a while.

Mr. MINKOFF. That is to be regretted.

May I say, therefore, that every move in the direction of progress in this country, in the way of social and labor legislation, has been met with similar objections. We recall very well in connection with the program for social legislation in Congress, for all forms of legislation, that there were those among us who, for one reason or another, saw fit to file their objections. But that is no reason why those of us who see the light should not go ahead.

We have carefully examined the legislation now before Congress dealing with this problem of economic discrimination and we have come to the conclusion that the bipartisan bill, S. 101, is most adequate. It specifically outlaws discrimination in employment on grounds of race, creed, color, or national origin over the widest areas of economic life subject to Federal regulation, and it provides a machinery of enforcement that is effective at a minimum of interference with management and with organized labor. Therein lie the fine features of this bill.

We are particularly concerned over attempts, such as that made by Senator Taft, to emasculate this measure by stripping it of its emforcement provisions and placing all reliance on voluntary compliance and a more enlightened public opinion. This appears to us a dangerous mistake. Of course, we need a better public sentiment, but that is no argument against antidiscriminatory legislation with real powers of enforcement. S. 101 does not attempt to outlaw prejudice, which cannot be legislated out of the human heart. All it tries to do is to curb overt acts of discrimination in employment opportunities on grounds of race, color, religion, or national origin. Such legislation obviously needs the support of an enlightened public opinion in order to be fully effective, but this is in a measure true of all legislation. Legislative action and the improvement of public opinion should go hand in hand; both are needed. And it should not be forgotten that legislation for economic and social democracy is one of the greatest educational forces at the disposal of a democratic society.

Thirteen or fourteen States have already adopted legislation aiming to put an end to economic discrimination. One witness before you this morning, Senator, referred to the hearings on a similar bill which was under discussion and which was passed in the State of New York, my own State, and I can testify from my personal experience, having been a witness before the Commission and having attended the hearings, that not within the memory of many of us has there been such a splendid public demonstration in behalf of any measure. It was gratifying to note that representatives of the church, of all denominations, Catholic, Protestants, and Jews, all were harmoniously united in support of that measure.

Only yesterday that bipartisan coalition bill was signed by Governor Dewey.

A Federal law, outlawing discrimination in employment, would now prove very helpful in equalizing conditions throughout the country in cooperation with State laws where these exist. Such legislation would open a new frontier of American democracy.

Millions of our boys are now fighting to vindicate the principles of democracy and the freedom and dignity of the individual against the challenge of a new barbarism based on race hatred and intolerance. It is for us at home to root out all vestiges of that same evil philosophy in our economic and social structure. It would be a national disaster if Congress failed to pass this antidiscriminatory legislation at the present session, and a disaster almost as great if it passed such legislation without providing for adequate enforcement.

We earnestly hope, Senator, that your committee will see its way clear to recommending the adoption of Senate bill 101.

Senator CHAVEZ. There is one peculiar thing about the hearings this year and last year, both in the House and in the Senate, and that is, that no one has appeared in opposition to the provisions of such legislation as is proposed in Senate bill 101, or as contained in the bill last year, H. R. 2048. We still want to hear the reasoning of the opposition, if any. I do hope, if you know of anyone who is opposed to the proposed legislation, that you will send him over.

Mr. MINKOFF. I shall be glad to. Thank you, Senator.

Senator CHAVEZ. Thank you.

Our next and last witness today is Mr. Bisgyer. Will you state your name and connection for the record, please?

STATEMENT OF MAURICE BISGYER, NATIONAL SECRETARY, B'NAI B'RITH

Mr. BISGYER. My name is Maurice Bisgyer and I am the national secretary of B'nai B'rith.

So much has been said here, and said so well, that I am just going to give you a summary in about 3 minutes, of our position.

I appear here on behalf of B'nai B'rith, the largest Jewish service organization in the United States, which has a membership of 216,000 and which recently observed its one hundredth anniversary. We support Senate bill 101 and the establishment of a permanent Fair Employment Practices Commission, not only because Jews have long felt the effects of discrimination in employment, but as a matter of simple justice to all others who have also been denied equal economic opportunity.

We realize from long experience that legislation cannot eliminate prejudices, but we do feel that enactment of this bill will at least isolate the problem in this one very important area. The history of the present wartime F. E. P. C. shows that discriminatory practices can be definitely discouraged and their extent reduced, but we must have greater enforcement provisions.

From the larger point of view, this benefits not merely the individual but the Government and the people as a whole. By permitting full utilization of the human resources of the United States, we add to the productive capacity of industry and enhance our whole national economy.

After all, the establishment of a permanent F. E. P. C. would merely implement the statement in the Declaration of Independence that all men are endowed with the unalienable right of pursuit of happiness—just as many other fundamental rights guaranteed in the Constitution are safeguarded and carried into execution by specific statute.

An inherent freedom is of no avail if the means to its enjoyment is denied by the practice of discrimination for reasons of religion, race, or ancestry.

The world has seen, in the cataclysm of this war, the disastrous culmination of the false doctrine of "superrace" carried to its extreme. American boys are giving their lives today so that their fellows may come back to a land free of such vicious notions.

Certainly it is not too much to expect that their Government should do everything possible to break down these tendencies at home.

This bill, Senate 101, maintains as far as possible the rights of both management and labor unions, but at the same time it does protect the individual against denial of employment for un-American reasons. It restates the principle of the dignity of man, that an individual should be judged upon his own worth.

It appeals to the fundamental decency of humanity.

Senator CHAVEZ. Thank you for your very fine statement.

The next hearing will be tomorrow morning at 10:30. We have quite a long list of witnesses so I would request that they be here at 10:30 sharp. We have a long day but we hope to be able to complete the witnesses that are scheduled for tomorrow.

We will now adjourn until tomorrow morning at 10:30.

(Whereupon, at 3:25 p. m., the committee recessed until Wednesday morning, March 14, 1945, at 10:30 o'clock.)

FAIR EMPLOYMENT PRACTICE ACT

WEDNESDAY, MARCH 14, 1945

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10:30 a. m., in room 357, Senate Office Building, Senator Dennis Chavez (chairman), presiding.

Present: Senators Chavez (chairman) and Aiken.

Senator CHAVEZ. The committee will come to order.

The committee will hear so many witnesses today that we will have to be prompt and proceed as quickly as possible. Other members of the committee are expected to attend within a few minutes.

Mr. Driscoll, just be seated and identify yourself for the record.

Mr. DRISCOLL. Yes, sir.

STATEMENT OF DENIS J. DRISCOLL, ST. MARYS, PA., TRUSTEE OF ASSOCIATED GAS & ELECTRIC CORPORATION, IN REORGANIZATION

Mr. DRISCOLL. My name is Denis J. Driscoll. I am a resident of St. Marys, Pa. I have an office at 21 West Street, New York City, where, since March 1940, Dr. Willard L. Thorp and myself have been acting as the two trustees in reorganization of the bankrupt Associated Gas & Electric Corporation. In the same system there is another concern called Associated Gas & Electric Co., likewise in reorganization, and of that Mr. Stanley Clarke is the trustee.

The three trustees were appointed by Hon. Vincent L. Leibell, one of the judges of the United States District Court for the Southern District of New York, and the reorganization is under his judicial control.

The business under supervision of the trustees and the reason for their interest in the general subject before this committee will appear in a statement made by C. F. Brows, a member of our legal staff, who testified before the New York State Commission Against Discrimination, on December 6, 1944, and which I will present to you a little later.

Senator CHAVEZ. Do you feel, then, that you are approaching the matter or the discussion from the standpoint of management?

Mr. DRISCOLL. Yes, sir. I will cover that, I think, in the very next sentence, Senator.

Our operating utilities are mostly in New York, New Jersey, and Pennsylvania, with smaller operations in seven other States of the Union. At the time of our appointment we operated or had operating

companies in 26 States of the Union. In our operating companies and in the main offices in New York City we have at this time 15,909 employees. We also own the electric utility service in Manila and adjacent parts of the island of Luzon. In them we had something more than 3,000 employees, and those utilities are now, we hope, about to be returned to us.

My cotrustees and myself are deeply interested in the objects of the legislation contemplated by Senate bills 101 and 459, both of which I understand are being considered here today. I presume that the merits of the proposed legislation and the objectives sought have been pretty thoroughly discussed in the hearings before this committee for the last few days. Speaking for my cotrustees, as well as myself personally, we strongly favor legislation that will prohibit discrimination in employment because of race, creed, or color; and likewise because of national origin or ancestry. Senate bill 459 does not mention national origin or ancestry. My observation over many years leads me to believe that discrimination arises from those two things—that is, national origin or ancestry—quite as much as from the other things that are mentioned in the preamble of both bills.

There is a very general demand now for legislation against discrimination in employment, and in my mind it is appropriate that such a measure should be part of the congressional program now, in view of the declarations made in the platform of each of the great parties in 1944. Let us look at them.

The Republican platform read as follows:

> We unreservedly condemn the injection into American life of appeals to racial or religious prejudice * * *

The next sentence has something to do with conditions in the Army, not pertinent to this investigation, and it wound up by this sentence:

> We pledge the establishment by Federal legislation of a permanent Fair Employment Practice Commission.

The Democratic platform read thus:

> We believe that the country which has the greatest measure of social justice is capable of the greatest achievements. We believe that racial and religious minorities have the right to live, develop, and vote equally with all citizens and share the rights that are guaranteed by the Constitution. Congress should exert its full constitutional powers to protect those rights.

While the one platform declares specifically for a "permanent, Fair Employment Practice Commission," the other declares that Congress should exert its full constitutional powers to protect the rights guaranteed by the Constitution. Certainly the Constitution by implication, if not in direct words, guarantees the right to live and work without discrimination because of race, creed, color, national origin, or ancestry. The Declaration specifically mentioned the pursuit of happiness as one of the unalienable rights, for the securing of which governments are instituted among men. Article IX of the Constitution of the United States says:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

The fourteenth amendment also recognizes that right as one vested in the citizen, and even in the alien resident legally within our borders. The Supreme Court of the United States, speaking through then

Associate Justice Hughes, 30 years ago, in the case of *Truax* v. *Raich* (239 U. S., p. 33), said:

> The right to work for a living in the common occupations of the community is of the essence of that personal freedom and opportunity which it was the purpose of the fourteenth amendment to secure.

It would be a waste of words, Mr. Chairman, to assume or assert that the right to work exists, or a man's right to support his family by his work exists, and then say that Congress should not enact appropriate legislation to protect a man in that right.

I see nothing in either of these two bills that contemplates social equality. They contemplate equality of economic opportunity.

At this very time democracy is on trial in the world, and now, as never before, thoughtful men and women are, and should be, more conscious of our shortcomings where democracy is concerned. Abstractly, we all have a right to work. What the minority, which has been the subject of discrimination, wants is an opportunity to work.

A measure somewhat similar to those now under consideration was before the New York State Legislature last month and passed the senate by a vote of 49 to 6, and the assembly by a vote of 109 to 32. It was signed by Governor Dewey on Monday of this week.

In my own State of Pennsylvania, a similar bill was introduced recently into the house of representatives, as we call the lower house, by Representative Homer S. Brown, of Pittsburgh, who was for many years chairman of the judiciary committee in the Pennsylvania House of Representatives. I hope that bill will pass.

In introducing his bill, Representative Brown answered the argument that an antidiscrimination law could not be enforced because of public sentiment, by saying:

> After all, we are a government of law anyway. This bill simply is the machinery to carry out the idea expressed in the Declaration of Independence—the idea on which our State Constitution was founded and the idea back of all decency and justice.
>
> We don't feel that we ought to wait to crystalize our educational process before a man is entitled to decency and justice. There is no need to halt the law until the people are educated in the broadest sense.

Addressing myself to the general merits of the proposed legislation, I feel that I cannot do better than to incorporate in my remarks a few paragraphs taken from the statement which the trustees of Associated Gas & Electric Corporation and the trustee of Associated Gas & Electric Co. filed with the New York State Commission Against Discrimination, which had hearings on this question last December. The matter was presented to the commission by Miss Clarice F. Brows, a member of our legal staff. I quote from her statement as follows:

> Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas & Electric Corporation, and Stanley Clarke, trustee of Associated Gas & Electric Co., appear by counsel, Clarice F. Brows, and submit this statement in support of the proposal to make unlawful any discrimination in employment on the basis of race, creed, color, or national origin.
>
> Associated Gas & Electric Corporation is a holding company, in reorganization in the Federal courts, and has as subsidiaries both holding companies and operating public utilities scattered throughout the country. In New York State, in which the trustees maintain their offices and staff, there are at the holding company level about 200 employees. The system operating companies within the State employ approximately 5,500 employees, whose employment is, of course, already subject to the antidiscrimination provisions of the civil-rights law. It has, of course, been impossible, in the time permitted to prepare this statement

of their views, for the trustees to poll these 5,500 employees as to their views. This is, therefore, necessarily a statement of the trustees' views as employers and as individuals.

The trustees of Associated approve this legislation which specifically includes fiduciaries appointed by the courts. In their opinion, it behooves officers of the court, even more than ordinary employers, to maintain the highest standards in their personnel practices. That Federal court trustees are subject to regulatory action by States and their administrative bodies is well settled by section 65 of the United States Judicial Code as well as by decisions of the United States Supreme Court (*Gillis, Receiver* v. *California*, 293 U. S. 62; *Palmer* v. *Massachusetts*, 308 U. S. 79).

As men of long and varied experience in business, the trustees are convinced that discrimination in employment is unprofitable to business. They believe that discrimination in employment is economically unsound because ultimately it raises the cost of production. This effect is caused by narrowing the number from whom a choice must be made. If one is seeking 40 grade A stenographers and may choose only from among green-eyed redheads, the likelihood of having to take grade B or C stenographers where grade A is needed is apparent. The capacity of the employee to do the job instead of being the sole consideration becomes secondary with the resulting higher cost of getting the job done.

It is clearly to the interest of the business which hires, the community which trains, and the purchaser who consumes that the abilities and skills of the members of the labor force be used where they are needed and not shut off by arbitrary barriers. We see no reason why business should object to this principle being incorporated in legislation.

In their capacity as trustees, they have followed a policy which is completely in accord with the aims of the proposed legislation. They have thus had an opportunity to observe the effects of including on a single staff employees of various ethnic, national, and religious origins. They conclude on the basis of actual experience that they are proud of their staff and of the way its members have worked together. Since the reorganization proceeding to which they and their staff have devoted themselves is drawing to a close, they foresee a reduction in the number of their employees. They thus have a direct interest in seeing this legislation enacted so that their employees may go out into the labor market and find employment for which they are fitted regardless of considerations which have no bearing, direct or indirect, on merit.

Because, as trustees, we are interested and enthusiastic about the proposed legislation, we are concerned that it be drawn so as to be most effective. * * *

The remainder of the statement presented by Miss Brows had reference to particular provisions of the proposed statute in New Work. Her final paragraph, however, was as follows:

Conclusion: There is a vital need for legislation against discrimination in employment. That legislation should be so drafted as to express not only the principles but the vigorous will of the community to make those principles a living reality.

If I may be permitted to make a suggestion, I would like to call the attention of this committee to section 5 of Senate bill 101 and section 3 of Senate bill 459. Each of these sections authorizes the creation of a Commission to be known as the Fair Employment Practice Commission, and each section provides that the proposed Commission shall consist of five members to be appointed by the President, by and with the advice and consent of the Senate. I do not see any provision in S. 101 for the selection of a chairman or for the filling of vacancies on the Commission. S. 459 provides that the President shall appoint one member to serve as a chairman, and provides for the filling of a possible vacancy. I regret to state, gentlemen, that those are the only things in S. 459 which I think are better than S. 101.

I would suggest, in view of the importance of this Commission, and the unquestioned high character of the Commissioners who will be appointed to administer the law, and the far-reaching effects of the Commission's action on all classes of citizens, that a provision

be inserted in the bill for making the Commission nonpartisan. Why not provide that not more than three of the members appointed shall be of the same political party? You have such a provision in the acts creating the Interstate Commerce Commission, which says that only 6 of the 11 shall be members of the same party; the Federal Reserve Board, while it is not a political classification, it says that in making the appointment, due regard shall be given to commercial, industrial, geographical, and other considerations, and that there shall be only 1 appointed from any Federal Reserve district; the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, and the Securities and Exchange Commission, and many other agencies of the Government, have a similar provision.

I have had the benefit, by reason of my trusteeship and otherwise, of rather extended observation and some experience with the workings of some of these commissions.

I may say, parenthetically, that thus far in our trusteeship we have had 422 decisions or orders handed down by the Securities and Exchange Commission. The high character and ability of the men appointed to that Commission and the fact that different schools of political thought are represented on the Commission go far to give people confidence in its rulings.

I doubt not that you Senators, both in your professional careers and in the discharge of your high and honored duties as Senators, have reached the same conclusion as to the wisdom of nonpartisan administrative bodies. That should be particularly true in the objectives of the measure now being considered, for I see, in addition to your name as the sponsor of S. 101, Mr. Chairman, that you were joined as cosponsors by three Republican Senators and by three Democratic Senators.

Assuming that there is no question of the desirability, and even of the necessity, of this legislation, I would like to make a comparison of the two bills now before your committee:

COMPARISON OF TWO BILLS

SECTION 1

FINDINGS AND DECLARATION OF POLICY

S. 101	S. 459
(1) Mentions race, creed, color, *national origin or ancestry.*	Race, creed, or color. Silent on *national origin or ancestry.* (How about Mexicans, Puerto Ricans, etc.?)
(2) Endangers national security and the general welfare.	Silent on this aspect of the case.
(3) Policy of United States to eliminate such discriminations.	Policy of United States is to *bring about* the elimination.

UNFAIR EMPLOYMENT PRACTICES DEFINED

S. 101	S. 459
On employer's part, four things defined.	Not a word.
On labor union's part, three things defined.	Not a word.
On the part of employer or labor union, four things defined.	Not a word.

SCOPE OF ACT

S. 101	S. 459
(4) Applies to—	
(a) Employers of six or more persons.	Not a word.
(1) Interstate commerce.	Not a word.
(2) Under contract with United States.	Not a word.
(b) Labor union of six or more members.	Not a word.
(c) United States, every Territory, insular possession, agency, or instrumentality thereof.	Not a word. (S. 459 gives no information; makes no statement on any of these matters.)

FAIR EMPLOYMENT PRACTICE COMMISSION

S. 101—Sections 5 and 7; S. 450—Section 3

Provisions for appointment, confirmation, salaries, removal, etc., are about the same in each.

S. 101	S. 459
But—Nothing in S. 101 on chairman or on vacancies.	Provides for chairman. Provides for filling vacancies.

INVESTIGATORY POWERS

S. 101—Section 11; S. 459—Section 5

The powers to be conferred on the Commission are practically the same in both measures—so far as making investigations are concerned, or so far as invoking action of a United States court to compel compliance with a subpena.

WILFUL INTERFERENCE WITH COMMISSION AGENTS

S. 101—Section 14; S. 459—Section 7

The provisions of these two sections are practically identical

RULES AND REGULATIONS

S. 101	S. 459
Section 12: Empowers Commission to make, rescind, etc., necessary regulations (effective 60 days after transmissions to Congress—unless Congress amends or nullifies, etc.) "to carry out the provisions of this Act."	Section 3 (g) (4): Commission shall have power to issue regulations "to regulate its own procedure," etc. (Nothing about congressional approval.)

REPORT TO CONGRESS AND PRESIDENT

S. 101—Section 6	S. 459—Section 4 (b)
Report annually on cases, decisions, and on its employees in detail, disbursements, further recommendations, etc., etc.	Practically the same, except disbursements are not mentioned.

PROHIBITION OF UNFAIR EMPLOYMENT PRACTICES

S. 101—Section 10	S. 459
Commission is authorized to prohibit engaging in unfair employment practice as defined: (b) Action on complaint. (c) Rights of defendant. (d) Hearing and decision. (e) Recourse to circuit court of appeals for order of enforcement. (f) Appeal from order.	No such provisions in S. 459.

Now, I almost felt like calling up Mr. Ripley when I searched in S. 459 and found no provision of any kind on that subject.

The real difference between the two measures will appear from a comparison of section 10 of S. 101, abstracted above, and section 4 of S. 459. The latter rather unique section, in my mind, does nothing to remedy, correct, or remove the evils so eloquently denounced in section 2 of the same act. These are practically the same evils S. 101 points out.

Section 4, speaking now of S. 459, makes it the duty of the Commission "to bring about the removal of discrimination," and so forth, and so forth, and prescribes six ways of doing it, I don't believe any of them do it, they are—

(1) By making comprehensive studies of discrimination and of the effect of such discrimination—

Although it is already plainly stated in section 2 that the result is, and I presume has been; to foment domestic strife and unrest, deprive the United States of the fullest utilization of its capacities for production and defense, and to burden, hinder and obstruct commerce. And you are asked in S. 459 to create a commission to inquire into the very things that are pointed out in the introductory section of that bill as the evil that we are trying to cure.

In my mind, gentlemen, the best way to eliminate such discrimination is to enact S. 101.

(2) By formulating in cooperation with other interested public and private agencies comprehensive plans for the elimination of such discrimination—

And so forth.

To my mind, again, the best way to do that is to enact S. 101, the measure that both of you gentlemen, I believe, have joined in introducing.

(3) By publishing and disseminating reports and other information relating to such discrimination and to ways and means for eliminating it.

Just what good result will come from the publication or dissemination of such information, I do not understand. I think we have before us a state of facts, plainly indicated in the declaration of policy set forth in both these bills, which calls for the removal of the condition.

(4) By conferring * * * and furnishing technical assistance to employers, labor unions, etc., for the elimination of discrimination.

That isn't the complete sentence, but that is the substance of it.

Again, my answer to that is the same: Pass S. 101 and you have furnished offending employers, labor unions, and others with the best possible program for elimination of discrimination.

(5) By receiving and investigating complaints and by investigating on its own motion.

Well, I have no quarrel with that.

(6) By making specific and detailed recommendations to the interested parties as to ways and means for the elimination of discrimination.

Why not disclose what those ways and means are? I read in the newspaper yesterday that some witness here Monday quoted Daniel Webster to the effect that a bill that carried no penalty was nothing but good advice.

There is a lot of good advice—and we have been struggling along with it in this country for a hundred years—a lot of good advice in this S. 459, and both it and S. 101 now point out a condition which would be remedied by the enactment of S. 101; and if S. 459 were favorably reported by this committee to the Senate, and passed, and received Executive approval, you would be just where you are now.

That, gentlemen, is what I have written on the subject. It arises from a deep conviction of my observation and experience over a good many years.

Senator CHAVEZ. May I ask you a question?

Mr. DRISCOLL. Yes, sir.

Senator CHAVEZ. If discrimination of the type that we are trying to correct by the bills should be corrected if industry is the offender, is there anything, in your mind, as to why, when a labor union itself discriminates, it should not be included in this bill?

Mr. DRISCOLL. Certainly not.

Senator CHAVEZ. Would you care to elaborate on that?

Mr. DRISCOLL. My opinion is—and I think there is something in S. 101 here that contemplates the correction of any evil practice by a labor union as much as by an employer—I don't belong to a labor union, I happen to be an employer, but I think it should apply to both.

Senator CHAVEZ. You think the law should apply to all of us?

Mr. DRISCOLL. Yes, sir.

Senator CHAVEZ. There is no particular reason why labor unions, if they are offenders, should be exempt?

Mr. DRISCOLL. I can't think of any. I am ready to be informed if there is any reason.

Senator CHAVEZ. Well, we might get some information to that effect, but I rather doubt it.

Mr. DRISCOLL. I will be glad to sit by and listen to it.

Might I say one other word? I was reading the Bible last Sunday—I also made this tabulation of comparative statement in my office last Sunday—by way of recompense, and I came across the complaint of one of the prophets. Doubtless you gentlemen search the Scriptures daily, and you will recall the quotation. You will remember that one of the prophets said he had been shown iniquity, and he had been caused to behold grievance, and that spoiling and violence were before him, and that there were those who raised up strife and contention. He had seen all those things, and he said that the law was slacked—our law isn't slack; we haven't any—and in consequence judgment did never go forth; for the wicked did compass about the righteous.

That is just what is happening here.

Senator CHAVEZ. I think Senator Aiken wants to ask you a question.

Senator AIKEN. Can you draw a brief comparison between S. 101 and the law as enacted by the New York State Legislature?

Mr. DRISCOLL. I don't know so much about the law passed in the New York State Legislature, Senators.

I regret to say that in my enthusiasm, I forgot to hand you this comparative statement, after all my work Sunday.

Senator CHAVEZ. That only refers to the comparison between S. 101 and S. 459?

Mr. DRISCOLL. Yes.

Senator CHAVEZ. Are you acquainted with the provisions of the New York law?

Mr. DRISCOLL. Well, I appeared at the hearing on December 6 last, and I believe Mr. Tuttle, from New York City, is here this morning. He can tell you about that. He was counsel for the Commission. I don't now recall it. I recall it in a general way. I am not a resident or a citizen of New York; I merely make my living there.

Senator CHAVEZ. Thank you very much.

Mr. Tuttle, will you come forward?

Will you kindly identify yourself for the record before you proceed with your general statement?

STATEMENT OF CHARLES H. TUTTLE, NEW YORK CITY, N. Y., COUNSEL, NEW YORK STATE TEMPORARY COMMISSION AGAINST DISCRIMINATION

Mr. TUTTLE. My name is Charles H. Tuttle. I was admitted to the bar of the State of New York in 1902, and I have been practicing ever since, and I am one of the two senior members of the law firm of Breed, Abbott & Morgan.

Senators, I appreciate very much the privilege of being here, and perhaps I can best aid the thought that these hearings have to deal with by giving a very brief account of the New York legislation, because I had the privilege of acting as counsel.

Senator CHAVEZ. Have you ever occupied any position with Government, either locally or Federal?

Mr. TUTTLE. Yes, I was United States attorney for the southern district of New York from April 1927 to September 1930. I am a member of the Board of Higher Education of the City of New York, and have been such since 1913. I have had certain other positions, but I think those are matters which come to my mind at the present moment.

The Governor, in 1944, sent a message to the legislature, in which he stated that while we had a number of laws on the books in New York State, these laws were not integrated and did not provide a cohesive and constructive plan for dealing effectively with discrimination in race, creed, color, and national origin. Governor Dewey's message resulted in the passage of a law by the legislature, in the early part of 1944, creating a commission of 23, of whom 8 were designated by the legislature and the remaining number by the Governor. Of those designated by the legislature, 4 were Republican members of the legislature, and 4 were Democratic members.

I emphasize that, because from the very beginning I was very fortunate that the legislature, the Governor, and the people, conceived of this effort to enact a constructive law on the subject of discrimination as one that should be carried through without any taint of politics, and with the avoidance of partisanship.

The members designated by the Governor were outstanding and representative citizens who had, because of civic interest, connection with this subject.

He requested me to act as counsel to the commission, and I was very glad to do so. I did stipulate that for those services I should have the privilege of receiving no compensation.

The commission began its labors in July 1944. We speedily came to the conclusion that there were various alternatives:

(1) A mere goodwill commission, such as had already been created in New Jersey by legislation.

(2) The possibility of setting up a merely advisory commission that should advise business and labor unions. I believe a bill of that character has been introduced into the Senate by Senator Taft.

(3) To give greater implementation to education on this subject. We have in the State of New York, under our constitution, a State education department, which is charged with entire responsibility for and power over all the educational processes of the State.

(4) That we should proceed as had been done in New York up to that time, to wit, to declare various acts of discrimination a misdemeanor and provide a penalty therefor. We had a lot of those statutes. They never, for one reason or another, had proved useful, and there was no judicial decision applying any one of them, so far as reported cases are concerned, in the field of employment. That fact justified the Governor in his message, as I have said, to the legislature, calling for a better integrated and constructive system.

(5) To come to grips directly with the subject and provide measures of enforcement which, however, should be accompanied with the constructive processes that are represented by conciliation, education, and the marshalling of the good-will resources of the communities of the State.

Shortly after election, the commission, through its chairman, the majority leader of the assembly, Mr. Irving Ives, arranged for seven public hearings in the principal cities of the State. We had prepared, at that time, certain tentative proposals embodying the basic principles which were subsequently contained in the bills presented to the State legislature and now enacted into law in New York. These tentative proposals were circulated by the thousands; they were advertised in the public press; copies were sent to all kinds of organizations—business, industrial, labor unions, civic, religious, educational, and so forth—throughout the State. And everybody was invited to come to these hearings.

We were warned by some pessimists that so explosive a subject as that carried through the State of New York in open meetings would result, perhaps, in increasing strain rather than in mitigating it.

The contrary proved to be the case. We had very democratic hearings. It was a fine example of the democratic process in operation.

The bills were revised in such wise as I think it can be fairly said that the people of the State of New York themselves participated in writing this legislation.

Just before the 1st of February, they were presented to the legislature by the commission; and at the same time the Governor, Governor Dewey, sent a message to the legislature in which he commended these bills for careful consideration and for enactment, at least in principle, by the legislature.

The legislature made no change in the bills as submitted by the State commission except that they did remove a provision that we had therein, that the members of the commission should not engage in any private business or calling whatever. It was the opinion of the legislature and the Governor that that might hamper the selection of desirable members for the commission.

You have already been told this morning of the votes by which those bills were overwhelmingly passed in the State legislature. I know of no legislation which approaches this legislation in social importance, which has been carried by such majorities.

I think that is an expression of the fact that public opinion is back of this legislation, back of the principles which are embodied in the New York bills and, inasmuch as the Federal bills embody the same principles, back of the Federal bills.

I think that is important, because some pessimists have expressed the idea that legislation dealing directly, through enforcement, with matters originating in prejudice, cannot have the necessary support in public opinion.

The Legislature of the State of New York held a public hearing on these bills before voting on them, and the expression that came from the great organizations that have to do with humanitarianism, with religion, with education, with labor, was simply overwhelming in favor of the bills.

There was no doubt where public sentiment stood after that public hearing.

Senator Chavez, you asked about labor a moment ago. I will say that these bills were publicly supported at this public hearing before the legislature by the State federation of labor through their official spokesman, and by the C. I. O. It was also supported by various unions affiliated with those organizations. There was only one dissent from full support of the bills from the labor side.

Now on Monday, at a ceremony at Albany, which I had the privilege of attending, the Governor signed these bills, stating at the same time that they represented a great social advance in the interpretation and application of the principles of democracy.

Senator CHAVEZ. May I interrupt?

Mr. TUTTLE. Certainly, Senator.

Senator CHAVEZ. Do you happen to have a copy of the New York bill with you?

Mr. TUTTLE. Yes. I have here a pamphlet which I will be very happy to leave with this committee. It is the report of the New York State Temporary Commission Against Discrimination. It presented three bills to the legislature, the principal one of which is the bill setting up a State commission.

Senator CHAVEZ. Was that the one that passed and was signed?

Mr. TUTTLE. Yes, sir; this was the one that passed. That bill is attached at page 77, as appendix E. The other two bills are of a minor character. One, which is appendix F, enlarges the function of the attorney general of the State of New York in such wise as to give him,

to a limited degree, concurrent power with the district attorneys over the enforcement of all civil-rights laws. If he feels that the district attorney has erred in not bringing a prosecution, he may step in. And the third bill is known as the uniformity bill. We have had so many civil-rights laws which have referred, in different terms, to the same subject matter that the object of this uniformity bill was to use in all civil-rights laws, even though they were already on the books, the term "race, creed, color, and national origin."

I think those two other bills will also pass the legislature.

Senator CHAVEZ. I think it would be well for the record to include the bill which recently passed the New York Legislature, and I will ask that it be incorporated at the conclusion of your statement. We would also like to have you leave the complete report on file with the committee.

Mr. TUTTLE. I will be glad to.

(The New York bill referred to will be found at the conclusion of Mr. Tuttle's statement; the Report of the New York State Temporary Commission Against Discrimination will be found on file with the committee.)

Mr. TUTTLE. This report contains also a commentary on the provisions of the New York bill, explaining the reasons which actuated the Commission in framing the various sections, their conception of the social, civic, and democratic principles that were involved, and it may be that those comments and the rest of the report will be of aid here.

There was, of course, attention given to the constitutional questions that legislation of this character necessarily raises. We were fortunate, in the State of New York, in having a unique provision in the State constitution, written into it by the voters of the State, by a tremendous majority, in 1938, and that constitutional provision has now become part of our State bill of rights and it reads as follows—it is but one sentence:

> No person shall, because of race, color, creed, or religion, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation, or institution, or by the State or any agency or subdivision of the State.

Building on that, we erected this State commission law. We, of course, gave consideration to the question whether there was any provision in the Federal Constitution which would bar compulsory legislation of this character, and we came unanimously to the conclusion that not only was there no such bar, but that there was no reasonable argument which could be brought forward for assuming that there was such a bar. On the contrary, the Supreme Court of the United States having upheld the constitutionality of the Fair Labor Standards Act, of the National Labor Relations Act, and other Federal legislation dealing with matters of employment, under the powers of Congress over the interstate commerce clause, they say that these decisions must necessarily establish that laws prohibiting an unfair practice in employment of a major character, such as to deny the right to work and therefore the right to live, in the broad sense of the term, must be constitutional.

As I said at the public hearing of the New York Legislature, if this legislation is unconstitutional, then democracy itself is unconstitutional.

The Supreme Court has taken occasion to observe that discriminations because of race, creed, or color are a greater unfair labor practice than those dealt with in the Wagner Act and in the Fair Labor Standards Act.

I can say, parenthetically, that the question of constitutionality is indirectly, at least, to be argued before the Supreme Court at the end of this month. That comes about in this wise. The Railway Mail Association, which is an association of postal clerks, and one of the railway brotherhoods, brought an action in the State of New York about a year ago for a declaratory judgment to the effect that it was not such a labor organization as was contemplated by the prohibitions of section 43 of our civil rights law; and that in the alternative, if it was such a labor organization, that section was unconstitutional as violative of the fourteenth amendment, and as violative also of several provisions of the Bill of Rights of the Federal Constitution.

Section 43 of the civil rights law is extremely pertinent here because of its parallel with the Federal legislation and with our State legislation. It says:

> No labor organization shall hereafter, directly or indirectly, by ritualistic practice, constitutional or by-law prescription, by tacit agreement among its members or otherwise, deny a person or persons membership in its organization by reason of his race, color, or creed, or by regulations, practice, or otherwise, deny to any of its members, by reason of race, color, or creed, equal treatment with all other members in any designation of members to any employer for employment, promotion, or dismissal by such employer.

Now this Railway Mail Association has in its constitution this provision—it is in one sentence:

> Any regular male railway postal clerk or male substitute railway postal clerk of the United States Railway Mail Service, who is of the Caucasian race, or a native American Indian, shall be eligible to membership in the Railway Mail Association.

Obviously section 43 nullifies that provision in the constitution of this association, providing that association was a labor organization within the meaning of that section.

The Appellate Division of our Supreme Court, and the court of Appeals of the State of New York, unanimously held (1) that this association was a labor organization within the meaning of that section of the civil rights law, and (2) that the civil rights law was not violative of any provision of either the State constitution or the Federal Constitution.

That provision of the civil rights law creates a misdemeanor and provides for fine and imprisonment.

The Railway Mail Association has carried the case to the Supreme Court, and as I say, it is to be argued in the latter part of this month.

Now, implicit in what I have told you is the rejection by our temporary State commission in framing the New York legislation, the rejection by the legislature and the rejection by Governor Dewey, of the idea that legislation should be confined to merely an advisory commission which should exhort business and labor unions, and the public generally, against discrimination in the field of employment or otherwise. It is also rejection of the idea that it is enough to rely on educational processes. We have been relying on educational processes in the State of New York—although as you will see from the report of our commission, we do not believe those educational processes have

been carried on with sufficient comprehensiveness—for many years. And yet unquestionably we do have very serious discriminations against certain minorities.

It is also a rejection of the idea that the matter can be effectively dealt with merely by declaring this, that, and the other discrimination a misdemeanor and providing a remedy solely through the criminal courts.

I can conclude by saying that our New York bill uses all these methods of approach to the subject, and I think that is its great virtue. It sets up a commission which is authorized to appoint advisory agencies from representative citizens in the community and the State at large, who will serve without compensation and who will act as a marshaller of the good-will resources in local communities or elsewhere, to deal with all phases of discrimination in all fields of human activity, not only employment but in all fields of human activity where discrimination occurs.

It authorizes the commission, and it authorizes these advisory groups which the commission can call into being, to hold hearings, make investigations, and submit recommendations to any department of the State government, including the State education department and the State legislature, and the Governor himself—recommendations for advance in this warfare against discrimination.

The first duty of the commission, when it receives a complaint, is to resort, through one of the commissioners personally and not through mere subalterns, to a conciliation process, getting the parties together and talking about it. That commissioner is thereafter debarred from taking part judicially in whatever trial proceedings may subsequently occur. The reason for that is that we want the commissioner and the parties free to deal with this subject from the point of view of conciliation and compromise, because we believe, both from the experience of the F. E. P. C. under the Federal Executive order and also from the experience which we have had in the State of New York with the workings of the war council's committee on this subject, that in 95 percent of the cases these things can be handled effectively and satisfactorily through conciliation, and we have called upon all the organizations of the State of New York that have backed this bill to cooperate in making that process effective. It is only where that process fails that the commission then conducts a trial proceeding before three members of the commission. They may make findings of fact, they may make recommendations by way of directing employment, directing reinstatement, directing upgrading with or without back pay; and those findings are the subject of judicial review, because the commission is authorized to take its findings and report into court and ask for an enforcement order by way of cease and desist, backed by the contempt powers of the court.

On the other hand, if any of the parties are aggrieved by the order of the commission, such party can appeal to the courts.

The judicial procedure is very simple, we have simplified it to the utmost possible. The findings of the commission are made conclusive, so far as they deal with the facts, provided that they are supported—and this is the phraseology—provided that they are supported by sufficient evidence on the record as a whole.

That language is taken directly out of the leading case on administrative review in the courts, as decided by our court of appeals. It is half-way, perhaps, between the bare language which you have in your bill, "supported by evidence", and the provisions of our New York Code setting up a machinery for judicial review of administrative findings, which code makes it conclusive only if those findings are not against the preponderance of the evidence.

You can see that the language used in our bill is designed to assure that the court may look at the whole record, and not the testimony of a single witness, no matter how many witnesses may testify to the contrary.

I think, Senators, I have concluded my survey of the New York legislation, and I am happy to leave this report and our New York bill with you. The only change, I say, in the appendix attached to the report, is that the provision that the members of the commission shall not practice any outside business or calling has been removed. That clause does nothing to the principle of the bill or to its terms or substance otherwise.

Senator CHAVEZ. You are acquainted with the provisions of S. 101?

Mr. TUTTLE. Yes.

Senator CHAVEZ. I hate to do this without offering compensation from the committee, but I want to ask you a legal question.

Mr. TUTTLE. Well, I have been answering legal questions on this subject, without compensation, for 8 months now, and I guess I can go a little while longer.

Senator CHAVEZ. Looking at S. 101 as a whole, have you any doubt in your mind, from your acquaintance with and investigation of its provisions, as to its legality from any standpoint?

Mr. TUTTLE. I have no doubt whatever on that subject. I am sure that it is both legal and constitutional. Of course, it isn't a lawyer's prerogative to anticipate decisions by the Supreme Court of the United States, but basing my opinion solely on opinions already rendered, I will put it that way, I am entirely confident of the constitutionality of the proposed legislation here, precisely as I am confident of the constitutionality of the New York legislation.

Senator CHAVEZ. I want to thank you. The testimony that you have given this morning is a little different from what we have been getting the last 2 days, which has dealt with other matters and aspects of the proposed legislation, and it will be most constructive and advantageous to the committee. Thank you.

Mr. TUTTLE. Thank you.

(The New York bill ordered to be incorporated in the record, being appendix E to the report of the New York commission, is as follows:)

APPENDIX E

AN ACT To amend the executive law in relation to prevention and elimination of practices of discrimination in employment and otherwise against persons because of race, creed, color, or national origin, creating in the executive department a state commission against discrimination, defining its functions, powers, and duties, and providing for the appointment and compensation of its officers and employees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter twenty-three of the laws of ninteen hundred nine, entitled "An act in relation to executive officers, constituting chapter eighteen of the con-

solidated laws," is hereby amended by inserting therein, after article eleven, a new article, to be article twelve, to read as follows:

ARTICLE 12

STATE COMMISSION AGAINST DISCRIMINATION

Section
125. Purposes of article.
126. Opportunity for employment without discrimination a civil right.
127. Definitions.
128. State commission against discrimination.
129. General policies of commission.
130. General powers and duties of commission.
131. Unlawful unemployment practices.
132. Procedure.
133. Judicial review and enforcement.
134. Penal provision.
135. Construction.
136. Separability.

§ 125. PURPOSES OF ARTICLE. This article shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights; and the legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, or national origin are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is hereby created with power to eliminate and prevent discrimination in employment because of race, creed, color, or national origin, either by employers, labor organizations, employment agencies, or other persons, and to take other actions against discrimination because of race, creed, color, or national origin, as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 126. OPPORTUNITY FOR EMPLOYMENT WITHOUT DISCRIMINATION A CIVIL RIGHT. The opportunity to obtain employment without discrimination because of race, creed, color, or national origin is hereby recognized as and declared to be a civil right.

§ 127. DEFINITIONS. When used in this article:

1. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

2. The term "employment agency" includes any person undertaking to procure employees or opportunities to work.

3. The term "labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or of other mutual aid or protection in connection with employment.

4. The term "unlawful employment practice" includes only those unlawful employment practices specified in section one hundred and thirty-one of this article.

5. The term "employer" does not include a club exclusively social, or a fraternal, charitable, educational, or religious association or corporation, if such club, association, or corporation is not organized for private profit, nor does it include any employer with fewer than six persons in his employ.

6. The term "employee" and this article do not include any individual employed by his parents, spouse, or child, or in the domestic service of any person.

7. The term "commission," unless a different meaning clearly appears from the context, means the state commission against discrimination created by this article.

8. The term "national origin" shall, for the purposes of this article, include "ancestry."

§ 128. STATE COMMISSION AGAINST DISCRIMINATION. There is hereby created in the executive department a state commission against discrimination. Such commission shall consist of five members, to be known as commissioners, who shall be appointed by the governor, by and with the advice and consent of the senate, and one of whom shall be designated as chairman by the governor. The term of office of each member of the commission shall be for five years; provided, however, that of the commissioners first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years.

Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Three members of the commission shall constitute a quorum for the purpose of conducting the business thereof. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

The members of the commission shall not actively practice in their respective professions or callings but shall devote their time to the duties of their respective offices. Each member of the commission shall receive a salary of ten thousand dollars a year and shall also be entitled to his expenses actually and necessarily incurred by him in the performance of his duties.

Any member of the commission may be removed by the governor for inefficiency, neglect of duty, misconduct, or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

§ 129. GENERAL POLICIES OF COMMISSION. The commission shall formulate policies to effectuate the purposes of this article and may make recommendations to agencies and officers of the state or local subdivisions of government in aid of such policies and purposes.

§ 130. GENERAL POWERS AND DUTIES OF COMMISSION. The commission shall have the following functions, powers, and duties:

1. To establish and maintain its principal office in the city of Albany, and such other offices within the state as it may deem necessary.

2. To meet and function at any place within the state.

3. To appoint such attorneys, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

4. To obtain upon request and utilize the services of all governmental departments and agencies.

5. To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this article, and the policies and practice of the commission in connection therewith.

6. To receive, investigate, and pass upon complaints alleging discrimination in employment because of race, creed, color, or national origin.

7. To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners.

No person shall be excused from attending and testifying or from producing records, correspondence, documents, or other evidence in obedience to the subpoena of the commission or of any individual commissioner, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

8. To create such advisory agencies and conciliation councils, local, regional, or state-wide, as in its judgment will aid in effectuating the purposes of this article and of section eleven of article one of the constitution of this state, and the commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, creed, color, or national origin, and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses, and the commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance.

66371—45——8

9. To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, creed, color, or national origin.

10. To render each year to the governor and to the legislature a full written report of all its activities and of its recomendations.

11. To adopt an official seal.

§ 131. UNLAWFUL EMPLOYMENT PRACTICES. It shall be an unlawful employment practice:

1. For an employer, because of the race, creed, color, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions, or privileges of employment.

2. For a labor organization, because of the race, creed, color, or national origin of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

3. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement. or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, or national origin, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification.

4. For any employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden under this article or because he has filed a complaint, testified or assisted in any proceeding under this article.

5. For any person, whether an employer or an employee or not, to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this article, or to attempt to do so.

§ 132. PROCEDURE. Any person claiming to be aggrieved by an alleged unlawful employment practice may, by himself or his attorney at law, make, sign, and file with the commission a verified complaint in writing which shall state the name and address of the person, employer, labor organization, or employment agency alleged to have committed the unlawful employment practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The industrial commissioner or attorney general may, in like manner, make, sign, and file such complaint. Any employer whose employees, or some of them, refuse or threaten to refuse to cooperate with the provisions of this article, may file with the commission a verified complaint asking for assistance by conciliation or other remedial action.

After the filing of any complaint, the chairman of the commission shall designate one of the commissioners to make, with the assistance of the commission's staff, prompt investigation in connection therewith; and if such commissioner shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, he shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation, and persuasion. The members of the commission and its staff shall not disclose what has transpired in the course of such endeavors. In case of failure so to eliminate such practice, or in advance thereof if in his judgment circumstances so warrant, he shall cause to be issued and served in the name of the commission, a written notice, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization, or employment agency named in such complaint, hereinafter referred to as respondent, to answer the charges of such complaint at a hearing before three members of the commission, sitting as the commission, at a time and place to be specified in such notice. The place of any such hearing shall be the office of the commission or such other place as may be designated by it. The case in support of the complaint shall be presented before the commission by one of its attorneys or agents, and the commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he participate in the deliberations of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence. The respondent may file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. In the discretion of the commission, the complainant may be allowed to intervene and present testimony in person or by counsel. The commission

or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed. If, upon all the evidence at the hearing the commission shall find that a respondent has engaged in any unlawful employment practice as defined in this article, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including (but not limted to) hiring, reinstatement, or upgrading of employees, with or without back pay, or restoration to membership in any respondent labor organization, as, in the judgment of the commission, will effectuate the purposes of this article, and including a requirement for report of the manner of compliance. If, upon all the evidence, the commission shall find that a respondent has not engaged in any such unlawful employment practice, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. A copy of its order shall be delivered in all cases to the industrial commissioner, the attorney general, and such other public officers as the commission deems proper. The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure and its own actions thereunder. Any complaint filed pursuant to this section must be so filed within 90 days after the alleged act of discrimination.

§ 133. JUDICIAL REVIEW AND ENFORCEMENT. Any complainant, respondent or other person aggrieved by such order of the commission may obtain judicial review thereof, and the commission may obtain an order of court for its enforcement, in a proceeding as provided in this section. Such proceeding shall be brought in the supreme court of the State within any county wherein the unlawful employment practice which is the subject of the commission's order occurs or wherein any person required in the order to cease and desist from an unlawful employment practice or to take other affirmative action resides or transacts business. Such proceeding shall be initiated by the filing of a petition in such court, together with a written transcript of the record upon the hearing before the commission, and the issuance and service of a notice of motion returnable at a special term of such court. Thereupon the court shall have jurisdiction of the proceeding and of the questions determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission. No objection that has not been urged before the commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. Any party may move the court to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows reasonable grounds for the failure to adduce such evidence before the commission. The findings of the commission as to the facts shall be conclusive if supported by sufficient evidence on the record considered as a whole. All such proceedings shall be heard and determined by the court and by any appellate court as expeditiously as possible and with lawful precedence over other matters. The jurisdiction of the supreme court shall be exclusive and its judgment and order shall be final, subject to review by the appellate division of the supreme court and the court of appeals in the same manner and form and with the same effect as provided in the civil practice act for appeals from a final order in a special proceeding. The commission's copy of the testimony shall be available at all reasonable times to all parties for examination without cost and for the purposes of judicial review of the order of the commission. The appeal shall be heard on the record without requirement of printing. The commission may appear in court by one of its attorneys. A proceeding under this section when instituted by any complainant, respondent or other person aggrieved must be instituted within thirty days after the service of the order of the commission.

§ 134. PENAL PROVISION. Any person, employer, labor organization or employment agency, who or which shall willfully resist, prevent, impede or interfere with the commision or any of its members or representatives in the performance of duty under this article, or shall willfully violate an order of the commission, shall be guilty of a misdemeanor and be punishable by imprisonment in a peni-

tentiary, or county jail, for not more than one year, or by a fine of not more than five hundred dollars, or by both; but procedure for the review of the order shall not be deemed to be such willful conduct.

§ 135. CONSTRUCTION. The provisions of this article shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this article shall be deemed to repeal any of the provisions of the civil-rights law or of any other law of this State relating to discrimination because of race, creed, color, or national origin; but, as to acts declared unlawful by section one hundred thirty-one of this article, the procedure herein provided shall, while pending, be exclusive; and the final determination therein shall exclude any other action, civil, or criminal, based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this article, he may not subsequently resort to the procedure herein.

§ 136. SEPARABILITY. If any clause, sentence, paragraph, or part of this article or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this article.

§ 2. Existing article twelve of such chapter, as added by chapter eight hundred fifty-four of the laws of nineteen hundred forty-one and renumbered by chapter five of the laws of nineteen hundred forty-four, section one hundred forty-four having been amended by chapter two hundred sixteen of the laws of nineteen hundred forty-two, is hereby renumbered article twelve-a.

§ 3. This act shall take effect July first, nineteen hundred forty-five.

Senator CHAVEZ. Mr. James Carey?

Mr. WEAVER. I would like to present Mr. Carey's statement.

Senator CHAVEZ. All right.

Mr. WEAVER. My name is George Weaver. I am Director of the National C. I. O. Committee to Abolish Discrimination, and Mr. Carey's assistant.

Senator CHAVEZ. You are Mr. George Weaver?

Mr. WEAVER. Yes.

Senator CHAVEZ. You may proceed.

STATEMENT OF JAMES B. CAREY, SECRETARY-TREASURER, CONGRESS OF INDUSTRIAL ORGANIZATIONS, AND CHAIRMAN OF NATIONAL CONGRESS OF INDUSTRIAL ORGANIZATIONS COMMITTEE TO ABOLISH RACIAL DISCRIMINATION, PRESENTED BY GEORGE WEAVER, DIRECTOR OF NATIONAL CONGRESS OF INDUSTRIAL ORGANIZATIONS COMMITTEE TO ABOLISH RACIAL DISCRIMINATION AND MR. CAREY'S ASSISTANT

Mr. WEAVER. As I understand it, the question before this committee is not "Shall we approve a permanent F. E. P. C. bill," but rather, "What kind of a permanent F. E. P. C. bill shall we approve?"

I say that because only last September, this committee reported favorably a bill which had the wholehearted endorsement of the Congress of Industrial Organizations—a bill to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry, and to establish an agency to enforce that prohibition through the usual democratic governmental channels.

Today your committee has before it that same bill known as S. 101 and another bill introduced by Senator Taft relating to the same question which would not prohibit discrimination but merely deplore it. It is only because of the introduction of the Taft bill that we have again requested an opportunity to appear before your committee so that we might reiterate our support for S. 101 and urge your rejection of the substitute that Senator Taft has proposed.

To deplore discrimination, even to condemn it, is not enough. Imagine the chaos if the National Labor Relations Board's authority was restricted to pleading that the contending parties appearing before it comply with its directives.

America is a law-abiding Nation, and we recognize the need for and welcome the enforcement of laws in the common interest. There is little doubt that it is in the common interest to abolish racial discrimination.

A close and careful examination of the Taft bill indicates that it discriminates against persons who suffer economic inequality because of national origin or ancestry. Senator Taft has said that he does not recognize any but Americans. He maintains that when people migrate to this country, they and their children want to be considered Americans. That is very true. The question remains, however, what recourse do they have when others deny them that consideration? Senator Taft, by this strange process of reasoning, wishes away discrimination against these people and then withholds even the coverage of his advisory F. E. P. C. from the 3,000,000 Americans of Mexican or Hispanic origin and the millions of other Americans of recent foreign ancestry.

The Taft approach to discrimination in employment in the Federal Government itself is even more peculiar. Where private industry is concerned, the agency proposed by Senator Taft would at least have the authority to recommend the elimination of discrimination, but where Federal employment is concerned it would not even have that authority. In a case of discrimination in Federal employment, the Taft bill authorizes the Commission to investigate and subsequently to recommend to Congress—not to the bureaus at fault—a plan to eliminate such discrimination. Remember, 25 percent of the cases handled by the existing F. E. P. C. involved Federal employment. Instead of calling upon the Federal Government to put its own house in order and set an example, Senator Taft asks less of government than he does of private industry.

Another important area of Federal jurisdiction is altogether ignored by the Taft bill. The Executive order under which the present F. E. P. C. operates requires that all Government war contracts contain nondiscrimination provisions. S. 101 would continue that requirement, but Senator Taft's bill omits it.

As chairman of the National Committee to Abolish Racial Discrimination, I am constantly in contact with areas in which discriminatory practices have existed or continue to exist. We have witnessed democracy in action, at times given impetus by the demands of wartime production and the aid of the present Committee on Fair Employment Practice. With this stimulation, I have seen unreasoning prejudices and apathy give way to new understanding and collaboration. Our experience has demonstrated that men of all colors and creeds will work together. Having shared this experience, no decent American is willing to condone a reversion to the pre-war patterns of American discrimination. That is why, in conformity with its traditional policy, the 1944 C. I. O. convention unanimously and emphatically approved a resolution calling for a permanent F. E. P. C. with enforcement powers.

From my observations of the operations of the present P. E. P. C., it has become apparent that its essential weakness is the lack of enforcement powers. It may seem hard to believe that after almost 4

years of operation of the F. E. P. C., war jobs are still kept vacant by discrimination.

The War Manpower Commission reports that 30,200 additional workers are needed in air-frame production. Only 4.7 percent of the workers in this industry are nonwhite. Some plants, located in areas where large numbers of Negroes are available, refuse to employ them on production jobs. Many others fail to upgrade experienced minority workers in accordance with growth of their skills.

Approximately 10,000 additional workers are needed to produce heavy artillery ammunition. In spite of the fact that 11 percent of the workers in this industry are nonwhite, very little use is made of their skills by some of the plants in this program.

About 45,000 additional workers are said by the War Manpower Commission to be needed to meet the increased requirements for small-arms ammunition. Nonwhite workers represent 8.5 percent of the total jobs, and one concern in this critical program refuses to hire any Negro workers. Labor utilization is particularly poor in the St. Louis area, where the increased manpower requirements are concentrated.

The cotton-textile industry, upon which the Army is dependent for tenting material, is reported to require a net increase of about 3,000 workers in addition to meeting its difficult turn-over problem. Nonwhite workers represent only 3.8 percent of total employees in the entire textile industry, and their utilization is particularly poor in the areas where law or custom requires segregated facilities. While some mills, including some in the South, have upgraded Negro workers to advanced skills or have used them to man entire shifts, most textile mill operators refuse to hire any Negroes for production work. If wages and working conditions are first improved, the use of Negro workers could solve the manpower problems in the industry.

Thousands of additional workers are needed in foundries in tank manufacturing plants, in the production of tires and tubes, in the manufacture of dry cell batteries, in the production of heavy trucks and truck components, in the radar industry, in the manufacture of rocket shells, and in other vital munitions programs. In each of these, the utilization of minority workers varies greatly from plant to plant and the uniform full utilization of their skills would go far toward solving the manpower problem.

Following public hearings held in August 1944, the President's Committee on Fair Employment Practice issued a series of seven decisions finding that seven St. Louis companies engaged in discriminatory employment practices against Negroes. A summary of the findings follows:

1. McQuay-Norris Manufacturing Co.: This company manufactures small-arms ammunition, employs more than 2,000 persons. Although it employs more than 500 women and has a critical need for more employees, it refuses to employ Negro women. Latest W. M. C. figures indicate that there are 4,000 Negro women seeking employment in St. Louis. In addition, the company confines Negro men to janitor and unskilled laborers' jobs regardless of their qualifications.

2. St. Louis Shipbuilding & Steel Co.: This company is engaged in the manufacture of warships and employs about 1,300 persons, but employs Negroes only in custodial jobs.

3. Bussman Manufacturing Co.: This company manufactures fuses and other war material, employs about 1,400 persons, refuses to employ Negro women, although it has employed 1,100 white women.

4. Amertorp Corporation: This company manufactures torpedoes for the Navy. Although one-third of its employees are women, it refuses to employ Negro women.

5. Carter Carburetor Corporation: This company is engaged in manufacturing essential war material. It refuses to employ Negro women although it has many white women in its employ.

6. Wagner Electric Corporation: This company manufactures electrical equipment for the armed forces. It employs 2,500 persons, of whom 1,600 are white women. It refuses to employ any Negro women.

7. United States Cartridge Co.: This company is engaged in the manufacture of small-arms ammunition, employs more than 10,000 persons, but arbitrarily restrict the percentage of Negroes to 10 percent, the population ratio in St. Louis. When the company reaches the top of the Negro quota, it refuses to hire any more Negroes, although it needs manpower.

The foregoing does not present a pretty picture. Imagine the difficulties this Nation will face in reconverting to peacetime economy. A permanent F. E. P. C. with enforcement powers as proposed in S. 101, will not guarantee jobs for all minority workers; only full employment can do that. But it can prevent the suffering and strife that would result from the singling out for discharge certain workers for no better reason than that they are black, brown, Catholic, Mexican, or Jewish. It can insure that in the placement of jobs of our returning servicemen and displaced workers, the criterion will be ability and not false theories of racism that plunged us into this war.

We in the C. I. O. are aware that a depressed minority group is a threat to our individual and national security. Only the interests that derive a profit from discrimination are served by the maintenance of groups of workers labeled "second class." They make a convenient reservoir of cheap labor, willing or not, because they must eat. The enlightened labor movement considers this problem of discrimination a workers' problem, not a minority problem, and we are working toward solving the problem within the C. I. O. by refusing to countenance discriminatory practices. Instead of creating chaos as Senator Taft has predicted, our policy has helped push war production to phenomenal levels, strengthened our organization, and proved that prejudice can be overcome.

Because our 6,000,000 members represent all the virtues and frailties of the people of America, we maintain our own national committee to abolish racial discrimination. This committee, of which I am chairman, is perhaps comparable to the F. E. P. C. It is working effectively within the C. I. O. to eliminate any discriminatory practices where they arise. Yet we recognize that we are in need also of the backing and complete coverage of a Federal F. E. P. C. with enforcement powers. We need enforcement of an over-all national policy of nondiscrimination. We realize that the maintenance of special groups of workers at depressed levels is a constant threat to workers at higher levels. It is sound trade-union policy to see that this threat is removed. We realize also as good citizens, interested in the national welfare, that it is a violation of all standards of decency and de-

mocracy and economically unsound. We, therefore, wholeheartedly endorse S. 101.

Senator CHAVEZ. Thank you.

Miss Stevens, will you come forward?

Please be seated and identify yourself for the record.

Miss STEVENS. I am Thelma Stevens, executive secretary of the department of Christian social relations in the woman's division of the board of missions of the Methodist Church.

Senator CHAVEZ. You may proceed.

STATEMENT OF THELMA STEVENS, EXECUTIVE SECRETARY, DEPARTMENT OF CHRISTIAN SOCIAL RELATIONS, WOMAN'S DIVISION, BOARD OF MISSIONS, METHODIST CHURCH, NEW YORK, N. Y.

Miss STEVENS. On February 20, the following letter went out from our department to 400 Methodist women leaders in 103 conferences across the United States, and from them to 27,000 local units of about 2,000,000 Methodist women:

DEAR FRIENDS: This is an urgent S O S.

You will recall that the woman's division took action last March and again in September, urging support of legislation for a permanent Fair Employment Practice Commission with adequate coverage for all groups, prohibiting discrimination because of race, creed, color, national origin, or ancestry. The bills pending in the last Congress were H. R. 3986 and S. 2048. The new bill introduced into the Senate as a successor to S. 2048 is S. 101. Copies of same may be secured by writing your Senator.

Recently Senator Taft, of Ohio, introduced S. 459 to establish a permanent Fair Employment Practice Commission, with only investigatory and advisory duties and without any enforcement powers whatsoever. Please note the attached analysis of the Taft bill as compared with the bipartisan S. 101.

Please call this matter to the attention of the women in your conference as soon as possible and urge them to write their convictions quickly to their Senators, urging the necessity for a full coverage of all groups and adequate enforcement powers. Letters to local newspapers, discussions of the respective bills in study groups, forums, and local radio coverage would all be major helps.

Let us flood our Senators with a half million letters on this topic as quickly as possible.

This letter is only one of many similar letters that go regularly to women across the country, urging them to express their convictions to their Congressmen and Senators on issues relating to vital domestic problems, and to our responsibility for world cooperation. We believe that our representatives in Washington must come to grips with these issues, but we also believe that we must become a more enlightened and articulate people, making our convictions known in Washington.

The question of a functioning Fair Employment Practice Commission has been a grave concern of Methodist women for the past 2 years. Specific recommendations for action have been made from time to time. In September 1944, the following action was taken by the woman's division of the Methodist Church:

1. Whereas we may expect increasing tensions in the area of employment as we approach the period of demobilization and the reconversion of industry; and

Whereas the woman's division has taken action urging legislation for fair employment practices and the general conference has endorsed the principles underlying the Fair Employment Practice Committee, and believing that fair employment practices are essential to democracy, we recommend—

(*a*) That Methodist women support and work for the passage of H. R. 3986 and S. 2048.

(*b*) That we commend the liberal press, the Federal Council of Churches, the National Committee for Permanent Fair Employment Practice Committee (1410 H Street NW., Washington, D. C.), and the other agencies who are seeking to safeguard employment opportunities without discrimination based on race, creed, color, or national ancestry.

This action was in keeping with the general principle enunciated by the general conference of the Methodist Church in May 1944, namely, that—

We endorse the principles underlying the Committee on Fair Employment Practice and urge all agencies involved in the administration of the act to improve that administration.

We have recognized with gratification the work of the F. E. P. C. since it was created by Executive order as a war emergency measure. With the end of the war nearer, it is even more imperative that we have a permanent F. E. P. C. by legislative action with full protection of all groups, and adequate provisions for enforcement of same. S. 101 meets these requirements.

The emphasis of S. 549 is concerned with "study" and "investigation," both of which are necessary, but without value unless followed by specific action. For too long we have studied conditions and investigated injustices, and stopped short of action. The Christian Church has been too long guilty of dealing in platitudes and the discussion of ideals. That pattern is rather general. Fortunately, we have been stabbed awake by the stark reality of war, and can we be less concerned for human justice in building peace? This is no time to appease the reactionary forces of the land. The majority of people in the United States want democracy in employment practices and we expect Congress to make adequate provision for same. The need is evident North and South, East and West.

My home is in Mississippi, one of the most conservative States of the Union. The reactionary forces are strong in my State, and their influences are felt in Congress. Yet there are increasing signs of promise even in Mississippi. We need F. E. P. C. in Mississippi to protect nearly 50 percent of the State's citizens from the exploitation of political demagogues and indifferent prejudiced employers. One or two voices raised against provisions for democratic practices, using Fascist technique of "filibuster," represent only a small percentage of the citizens of my State and others like it. The majority, even though not permitted in many cases to be articulate, want justice for all people regardless of race, creed, color, national origin, or ancestry, and we want this justice safeguarded by adequate enforcement measures.

Legislation and education are two major ways of effecting social change. Both must many times go hand in hand in order to be effective. We are living in a fast-moving age, when change is inevitable. Someone has said that the only stability attainable in the world is the stability of a spinning top. We are depending on Congress to give us adequate far-sighted leadership in the enactment of legislation to meet the needs of this period. Group tensions and racial injustices are evident on every hand. There is grave need for security of employment for all peoples. The provisions of S. 101 include protective measures for all groups in Government employ, industry, and unions alike. Jim Crow practices in all these areas, with reference to employment, will be outlawed. As this law becomes increasingly effec-

tive throughout the country, tensions will lessen. Insecurity at any point makes for tension. Job discrimination is a major cause of tension.

The church must increasingly undergird such legislative action by education and interpretation and by practicing within its own agencies the democratic process. The Senator from Ohio, in introducing his bill S. 459, stated that if the F. E. P. C. Act carried a compulsory or enforcement provision, that "the Methodist Book Concern will have to employ Catholics." The Methodist Publishing House (successor to the Methodist Book Concern) has never had an employment policy of discrimination because of creed. Doubtless there are Catholics and Jews employed at present, and there will be others as time goes on.

I returned last week from a 3-day conference of Negro and white church leaders in New Orleans, La., where more than 150 key ministers and lay men and women from both races met together to discuss problems of demobilization and the church's job. Major attention was given to what the church can do to influence the community to make provision for a program of full employment for all peoples. Malcolm Ross, chairman of the President's Committee on Fair Employment Practice, was one of the speakers, and with him was Don Ellinger, regional director of F. E. P. C. The group was vitally concerned that Congress should pass legislation establishing a permanent F. E. P. C. with adequate provisions for all people and full power for enforcement. Those people are working also through their local branch of the National Council for a Permanent F. E. P. C.

Methodist women are seeking practical ways "to make real and effective the teachings of Jesus as applied to individual, class, racial, and national relationships." We believe that fair employment practices are essential to security of family life and to the safeguarding of all human values. We believe that this war should result in a recognition of the essential worth of every person and his right to live and work in security in every community from Maine to Mississippi and East and West.

We believe that the passage of S. 101 will be a major step in this direction. Therefore, we urge the committee to speedily bring a favorable report on same, and urge immediate consideration by the Senate.

Senator CHAVEZ. Does that conclude your statement?

Miss STEVENS. Yes; that is my statement.

Senator CHAVEZ. Thank you very much.

Miss STEVENS. Thank you.

Senator CHAVEZ. Mr. Stephens, will you come forward. Please be seated and identify yourself for the record.

STATEMENT OF RODERICK STEPHENS, PRESIDENT, STEPHENS FUEL CO., INC., NEW YORK, N. Y., FORMERLY PRESIDENT, BRONX BOARD OF TRADE

Mr. STEPHENS. Senator Chavez, my name is Roderick Stephens. I come from the borough of the Bronx, in the city of New York. I am engaged in the retail coal business there.

I am president of Stephens Fuel Co., Inc., one of the larger retail fuel concerns in the city of New York. We employ all types of labor,

skilled, unskilled, and white-collar workers. We have always avoided discrimination in all of our purchases, our sales, and our employment policies. We have considered it good business to do so, and bad business otherwise.

As a businessman, this issue of both Federal and State Fair Employment Practice legislation has been a live topic of discussion among my associates individually and in various business organizations with which I am connected.

Parenthetically, I am a former president of the Bronx Board of Trade, the largest business organization in the Bronx, which itself is a community of over a million and a half people. Also, I am former President of the National Retail Coal Merchants Association, and was Chairman of the National Code Authority on Coal during N. R. A. days.

Very few of my business associates, and practically no business organizations that have recorded their position publicly on this issue of legislation to prevent discrimination, have questioned the desirability of the avoidance of discriminating practices. Very few deny that dscriminations are practiced to such an extent as to make this an evil of serious moment.

Where differences of opinion occur is when we discuss how this evil can best be minimized.

Those who have had Federal contracts or whose functions have contributed to the war effort and thus have lived with an F. E. P. C. since June 1941, are best qualified to judge. I have yet to meet one such businessman who has had difficulties as a result of his contacts with F. E. P. C.

Now it might appear that their contacts have been with an F. E. P. C. lacking enforcement powers, but the truth is that as businessmen we know that an agency that is backed by the prestige of the President, in time of war, has substantial powers behind it.

Some of my friends and associates say that while they have had no difficulty in integrating employees of different races, creeds, and colors, during wartime, they are fearful of what may happen when victory has been won and they enter the reconversion period.

There, to my mind, lies the nub of this problem. Shall we fight a war to uphold the freedom and dignity of man, and then expect millions of our people to return to the status of second-class citizens when victory has been achieved?

We hear the forthcoming statutory F. E. P. C. characterized as a potential bureaucracy by some. Others call it a gestapo in the making. I am quoting now from statements made and communications read by opponents to such legislation at the legislative hearings at Albany, which I attended.

The first group show a lack of faith in the normal processes of democracy. The second group show a lack of faith in their fellow citizens.

Granted that business recoils from regimentation and from bureaucracy, does that mean that we shall not effectuate the guaranties of our Federal and State Constitutions by the most effective means available to a government of laws? Whoever uses the word "gestapo" in that connection has lost his sense of proportion and is no safe guide for policy or conduct.

If we truly believe that all men are created equal and are endowed by their Creator with certain unalienable rights, let us extend these rights to all men. On this subject, E. Stanley Jones, the eminent evangelist and author of the Christ of the American Road, writes that "the history of the word 'all' is the history of the progress of America, and our future progress depends upon what we do with it."

The Negro and the Jew, in common with all minority groups, have done their full part in defense of our land and its freedoms. By their service, their suffering, and their sacrifice, they have earned a citation "Well done, citizen, first class."

That is what this F. E. P. C. signifies, Senator Chavez.

In the course of the recent historic legislative hearing in Albany on the State F. E. P. C., I heard A. F. of L. and C. I. O. top leadership united in support of the principle and enforcement of nondiscriminatory practices in employment and in labor unions. By the very words he uttered in opposition, the only objecting representative of labor made their position stronger and demonstrated the weakness of his own position.

Even from within the Military Establishment, where precedent and tradition rule, we find eloquent testimony to the practicability of racial integration rather than segregation.

In the foxholes, on the beaches, on the Stillwell Road, in the Philippines, and at Cabanatuan Prison Camp, where the rescue party was less than one-third white and more than two-thirds brown-skinned guerrillas, I am told that little is said about racial superiority. Likewise, in the dressing stations, field hospitals, and hospital ships, this Nazi dogma and practice is fast becoming a myth.

Perhaps the explanation for the refusal of Filipinos to cease their resistance to the Japs lies in the fact that, from the time General MacArthur saw the approach of war and the necessity to unify all forces available for the defense of the Philippines, he and his fellow white officers and men treated their brown-skinned brothers in arms "with respect and as equals," to quote Lieutenant Colonel Dino, personal physician to the President of the Philippines.

As a fellow Republican—I am sorry Senator Aiken has left; I was hoping we would have a bipartisan audience, at least.

Senator CHAVEZ. Well, my dad was a Republican, too, so that is all right. [Laughter.]

Mr. STEPHENS. Of course, I would have liked to have had Senator Taft here.

Fortunately, our 1944 standard bearer, Mr. Dewey, the titular head of our party, has been true to the principles and program of his party's platform and has demonstrated his "private honor and public faith"—I am now quoting from the Republican 1944 platform—in respect of the "establishment of a permanent F. E. P. C." He advocated such legislation in the jurisdiction of the State of New York and created an honestly intentioned State F. E. P. C.—not a weak-kneed caricature as now proposed by the honorable senior Senator from Ohio. Mr. Dewey came clean with his conscience, his party, and his people. That is the kind of leadership we Republicans should follow.

Lieutenant Commander Stassen, a Republican, whose pre-war record was a source of pride to all forward-looking members of the party, in his recent keynote statement as a delegate to the San

Francisco United Nations Conference, said some things that are pertinent. He said:

We need not scoffers today; we need men. Men to assault the pill boxes of lethargy, the emplacements of prejudice, the spitting guns of intolerance * * * to make freedom and liberty and peace living symbols to men and women and children, and not mere words in speeches or charters—

and may I interpolate—

or in party or preelection platforms or in the express provisions of the Constitution of these United States.

Finally, I remind my fellow Republicans what our national chairman, Herbert Brownell, suggests as essential to national as well as party welfare. Mr. Brownell called for "liberty and opportunity, a program around which all of our people, particularly our youth, can rally."

He did not say "liberty and opportunity for whites." He did not say "a program around which all of our white people, particularly our white youth, can rally." He said "all of our people," and I believe he meant all of our people, and, if I am wrong, let him say so, and, as a Republican, I shall hang my head in shame.

If I am right, let him say so, and let the honorable senior Senator from Ohio, as one who, on this critical issue of human rights, has not maintained his private honor or his public faith, hang his head in shame.

As the honorable opposition, let us oppose privilege, not opportunity.

Let there be no unholy alliance to perpetuate a second-class citizenship for any minority, black or white, for which there is no justification in the provisions of the Constitution, in the facts of science, in the teachings of religion, or in the principles or experiences of democracy.

Finally, as citizens of a great nation, more concerned with justice and peace and prosperity for all than with partisan interests, I urge that there be no party alinement on this bill. Every Senator or Representative who believes with Jefferson and Lincoln that our people can safely be trusted to administer the constitutional guaranties of freedom and equality for all, must recognize that enforcement procedures are needed to supplement educational processes.

The voice of freedom has spoken in the cosmopolitan State of New York. It is about to speak in other States. It must not be silenced in the Halls of Congress.

Thank you, sir.

Senator CHAVEZ. May I say that I know of my own knowledge, and I speak as a partisan liberal Democrat, that there are thousands and thousands of fine A–1 Americans who are Republicans. [Laughter.]

Mr. STEPHENS. Thank you, Senator.

Senator CHAVEZ. May I also add that our military enemy do not discriminate, either in a partisan way or a racial way, against the Americans that are facing them. Governor Saltonstall's boy was killed. The Jap didn't care that he was a Republican or came from a fine New England family.

And Levine, a little Jewish boy from Brooklyn, they didn't discriminate against him, they just shot him.

And in my own State we get the releases from the War Department and the Navy Department every day listing the casualties, which include the Espinosas, the Valdezes, the Chavezes, the Garcias, and many others, on every battlefield. The enemy does not discriminate, they just shoot them and kill them, the same as any Americans.

So it seems rather depressing that such a thing should happen in the United States, and that we do nothing about it.

Mr. STEPHENS. Of course, we are believing that you are going to do something about it, Senator Chavez.

Senator CHAVEZ. I think we will.

Mr. STEPHENS. Thank you, sir.

Senator CHAVEZ. We will take one more witness before we recess for the noon hour, and we will try to come back early.

Dr. Tobias, will you come forward? Kindly state your name for the record, and identify yourself.

STATEMENT OF CHANNING H. TOBIAS, CHAIRMAN, SOCIAL-WELFARE COMMISSION OF THE COLORED METHODIST EPISCOPAL CHURCH; SECRETARY OF THE NATIONAL COUNCIL OF THE YOUNG MEN'S CHRISTIAN ASSOCIATION, NEW YORK, N. Y.

Mr. TOBIAS. My name is Channing H. Tobias. I am chairman of the social-welfare commission of the Colored Methodist Episcopal Church; I am a secretary of the national council of the Young Men's Christian Association.

My Government services, on a voluntary basis, include service on two committees, the President's Advisory Committee on Selective Service and the Joint Army and Navy Committee on Welfare and Recreation.

My conviction as to the importance of a national Fair Employment Practice Act has not been arrived at through pressures from without. It is rather a studied conviction, based upon what I believe to be a predominant sentiment on the part of the rank and file of the people of this country that such an elemental right as freedom to work without discrimination on account of race, creed, color, or national origin should be safeguarded by the National Government.

I appear here today officially representing the social-welfare commission of the Colored Methodist Episcopal Church, but I belong to boards and commissions of many religious, socio-religious, and community organizations, whose membership runs into the millions, and I can truthfully testify that, although there may be differences of opinion as to minor details in such a bill as S. 101, I have in my wide range of acquaintanceship discovered little difference of opinion as to the desirebility of having such legislation enacted.

I have heard the bill objected to on the ground that it invokes the power of the law to compel employers to comply with the nondiscriminatory requirements of the act. My answer to that is that the scriptures themselves state that the law performs the function of a schoolmaster leading us into right action. The assumption that education alone can be depended upon to assure to people their rights could lead to ridiculous conclusions. We might just as well argue from such a premise that there is no need for courts of law or constabulary forces of any kind because educational opportunities are within reach of all the people. Of course, it is always to be hoped for

that there may be as little necessity for invoking penalties as possible, but the law involving penalties must always be there as a reminder to those who are selfish or inconsiderate of the rights of others that, as a last resort, they can be compelled to conform to those regulations that are in the interest of the common welfare.

It is because the bill recently offered in the Senate by Mr. Taft—so often referred to here this morning—falls down at this point that I regard it as not only inadequate but worse than no bill at all. The Republican platform, of which Mr. Taft himself was the chief architect, was so explicit in calling for effective legislation to do away with unfair employment practices, that I am little surprised that Mr. Taft, who is usually so keen in detecting inconsistencies, would not have been conscious of his own in offering his bill. At this point it might not be inappropriate to quote a remark made just day before yesterday by the titular head of the Republican Party after signing the Ives-Quinn bill at Albany, N. Y. Said Mr. Dewey:

> By this act the State declares the simple principle that in employment there shall be no discrimination by reason of race creed, color, or national origin. It expresses the rule that must be fundamental in any free society—that no man shall be deprived of the chance to earn his bread by reason of the circumstances of his birth.

Another objection that I have heard advanced against S. 101 is that some of the States are now enacting fair-employment-practices legislation, and that therefore there is no need for national legislation. My answer to that is that it would be just as logical to say that there is no need of national labor legislation because most of the States have some form of legislation to protect labor organizations in such rights as bargaining collectively in the interest of the welfare of the workers within those States. But such legislation was long since regarded as inadequate, and far-reaching national legislation of which some of you honored gentlemen were fervent supporters, was passed by the Congress.

There is, therefore, in my judgment, no more reason why we should consider State legislation in this field as sufficient, than we would consider the existence of a State labor commission or a State industrial commission as obviating the necessity for a national labor relations board.

One final observation I would like to make is that there is nothing in this legislation that need be feared by any organizations or groups who mean to be fair in their employment practices as respecting minorities. The very fact that one objects to a fair employment practices act with enforcement power of itself has the effect of arousing suspicion that he does not desire to be governed by fair employment regulations. Furthermore, the record of the present Fair Employment Practice Commission shows that there has been no attempt to abuse the rights of employers, labor unions, or employment agencies but rather has there been every indication on the part of the Commission to deal reasonably with all parties concerned. I understand that literally thousands of complaints have been handled without recourse to hearings or threats of prosecution. I predict that with the passage of S. 101 with enforcement powers the result will be equally effective and satisfactory. I therefore urge early passage of Senate bill 101.

Senator CHAVEZ. Thank you, Mr. Tobias. That was a fine statement.

Mr. TOBIAS. Thank you.

Senator CHAVEZ. The committee will now recess until 2 o'clock.

(Whereupon, at 12:25 p. m., the committee recessed until 2 p. m., of the same day.)

AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m., pursuant to recess.)

Senator CHAVEZ. The committee will be in order.

Is Mr. Thomas here?

Mr. THOMAS. Yes, sir.

Senator CHAVEZ. State your name and address and tell us who you represent.

STATEMENT OF JULIUS A. THOMAS, DIRECTOR, DEPARTMENT OF INDUSTRIAL RELATIONS, NATIONAL URBAN LEAGUE, NEW YORK CITY, N. Y.

Mr. THOMAS. Mr. Chairman, my name is Julius A. Thomas, and I am director of the department of industrial relations of the National Urban League with headquarters at 1133 Broadway, New York City.

The National Urban League is a national social service organization that has been actively engaged since 1910 in the improvement of the working and living conditions of Negroes. Affiliated with the national organization are 50 local agencies whose programs and activities are closely geared to the over-all objectives of the Urban League.

The National Urban League since its organization has been deeply concerned with the economic and occupational problems of Negro wage earners. It has recognized that the success or failure of the efforts to raise the standard of living among them must ultimately be determined by their ability to make satisfactory occupational adjustments. To assist Negro workers in this endeavor, the National Urban League and its affiliates have carried on programs of education and research designed to interpret the Negro worker's problems to the community. Similarly, the League has sought to impress upon Negro workers the necessity for preparing for jobs that afford opportunities for maximum use of their latent skills and talents. This program is now in its thirty-fifth year, and the statements which I shall make are predicated on a broad organizational experience with the day-to-day problems of Negro wage earners during that period.

The National Urban League endorses the proposed legislation, Senate bill 101, to abolish discrimination in employment on account of race, creed, color, or national origin or ancestry, and to establish a permanent Fair Employment Practice Committee. We believe the enactment of this legislation will be an important step in the direction of eliminating inequalities in employment opportunities available to a large number of Amercan citizens. Further, we are convinced that this legislation, if enacted, will assure Negro veterans as well as veterans of other minority groups, fair and impartial treatment in the matter of employment when the war is over. It will strengthen the faith of the American people in the fundamental soundness of the democratic processes and institutions which every American citizen cherishes.

The past 4 years have witnessed startling changes in the occupational status of Negro workers in American industry. The most reliable estimates of the number of these workers presently employed in all categories of industrial work reveal that between one and a half and two million Negroes are building tanks, planes, radios, guns, and other vital war materials. The reasons for this dramatic change are indeed obvious. All-out war requires all-out production and all-out production demands an adequate labor supply. Negro and other minority group workers constituted the largest untapped labor reserve when the ever-increasing demand for manpower could not be met otherwise.

But let us turn back the calendar to 1940 for another picture of the Negro wage earners. I quote a paragraph from a Government report based on the 1940 United States Census of Occupations:

Striking differences between the occupations of whites and Negroes were shown in 1940 census statistics released today by Director J. C. Capt, of the Bureau of the Census, Department of Commerce. Farmers, farm laborers, and other laborers constituted 62.2 percent of all employed Negro men and only 28.5 percent of all employed white men. Only about 5 percent of all employed Negro men, compared with approximately 30 percent of employed white men, were engaged in professional, semiprofessional, proprietary, managerial, and clerical or sales occupations. Skilled craftsmen represented 15.6 percent of employed white men and only 4.4 percent of employed Negro men. More than half of the Negro craftsmen were mechanics, carpenters, painters, plasterers and cement finishers, and masons.

Equally large differences are shown between the occupations of white and Negro women. Almost 70 percent of employed Negro women, as compared with 22.4 percent of employed white women, were engaged in service occupations. Clerical and sales workers constituted almost one-third of employed white women but only about 1 percent of employed Negro women. The proportion of employed white women who were operatives (20.3 percent) was more than three times that for employed Negro women (6.2 percent). Amongst 16 percent of employed Negro women and only about 2 percent of employed white women were farmers or farm laborers.

Statistics on the occupational distribution of Negroes and members of other nonwhite races are especially important at this time in connection with the current effort to meet labor shortages in essential war production through the elimination of hiring practices which have discriminated against the employment of minority racial groups. The accompanying table shows the number of persons and the percentage distribution by race for each occupation. These figures focus attention upon differences among occupations in employment opportunities for members of minority groups. They show, for example, that employment opportunities for Negroes were extremely small in skilled craft occupations as a whole, since Negroes constituted only 2.6 percent of all men employed in this major group. In certain specific craft occupations, however, opportunities for Negroes were much greater. For example, of all men employed as plasterers and cement finishers, molders, and masons, 14.8, 7.9, and 7.2 percent, respectively, were Negroes.

While the section of the report quoted provides an accurate description of the status of Negro wage earners in the national economy, it does not tell the whole story. It is doubtful if any organization in America has had more experience in the struggle to remove barriers to the employment of Negroes than the Urban League. Months before the issuance of the Executive Order 8802, members of the League staff in all sections of the Nation endeavored to secure the acceptance of Negro workers by employers working on Government contracts. Our files will show that the vast majority of these industries either refused to consider the employment of Negroes or limited their employment to certain types of menial and unskilled jobs. It was not

until the early part of 1942 that Negro workers were employed in significant numbers in war production. I am deliberately omitting much of the statistical evidence of this painfully slow process because I am certain that this committee has already received adequate factual information on this point.

I am convinced, and I believe the members of this committee share my conviction, that discrimination in employment because of race, creed, color, or national origin is undesirable, unnecessary, and un-American. I believe also the committee is earnestly seeking the most appropriate means of combating this evil. To those of us who have devoted a lifetime to a tedious job, there are two roads before us as we face the problems of the period of reconversion and readjustment to peacetime living. One road leads back to the days of laissez faire—the days of widespread unemployment and insecurity—the days of intolerance and misunderstanding. I do not believe we want to travel that road.

The other road leads to a dynamic economy of full production and full employment—an economy in which every man will have an equal chance to market his labor and his skill. But this road cannot be traveled unless we take positive steps to safeguard a man's right to a job without the paralyzing discrimination which has excluded millions of American wage earners. The first step in this direction is the passage of the legislation now under consideration, S. 101. I say "first step," and I think I should like to underline the two words. The Urban League considers this only a beginning—which must be made before real progress can be achieved. For many years to come the process of education that must follow the enactment of this legislation will be a consuming task. Not for one moment do we believe that legislation alone can accomplish the job before us.

In closing this statement may I call attention to that section of the bill which refers to the discriminatory practices of certain labor unions. While I am not unmindful of the fact that many employers have refused to employ Negro and other minority group workers, thus setting a pattern which they have been reluctant to change, I am certain that a number of labor unions have aided and abetted them in this practice. I have here the results of a painstaking study of labor unions which by constitutional provision, ritual, or tacit agreement, contrive to exclude workers of certain races or creeds. I would like to submit this study for the record.

Senator CHAVEZ. It will be inserted in the record at the conclusion of your statement.

Mr. THOMAS. The actions of these groups are equivalent to "compounding a felony," and they should be required to bring their union practices in line with those of industry and commerce if we are to accomplish the purposes set forth in the proposed legislation.

On behalf of the Urban League may I express our appreciation for the time and attention this committee has given to this statement.

Senator CHAVEZ. Thank you very, very much.

Mr. THOMAS. May I add one thought?

Senator CHAVEZ. Certainly.

Mr. THOMAS. In the last year and a half it has been a part of my job to go around the country and discuss with prominent industrial leaders the question of this proposed legislation, and I would like to put into the record the impressions that I have gained from many of

the men who have done the best job of integrating minority group workers.

The president of one corporation which now employs 15,000 Negro workers and several thousand workers of other groups, made this very unequivocal statement just 2 weeks ago, that unless this legislation is enacted, there will not be a ghost of a chance of retaining the gains that have been made in the last 4 years in spreading employment opportunities to the people of America.

Senator CHAVEZ. I think he might be correct.

Mr. THOMAS. Well, I am inclined to agree with him entirely.

Senator CHAVEZ. Thank you.

(The study of labor unions ordered to be incorporated in the record at the conclusion of Mr. Thomas' statement, is as follows:)

I. The following unions exclude all races by constitutional provision or ritual except white (13):

American Federation of Labor.

1. American Wire Weavers Protective Association (white, Christians).
2. Order of Sleeping Car Conductors.
3. Airline Pilots Association.
4. Association (International) of Machinists (ritual).
5. Switchmen's Union of North America.
6. Railway Mail Association.
7. Order of Railroad Telegraphers.

Independent.

1. Order of Railway Conductors.
2. American Association of Train Dispatchers.
3. Brotherhood of Locomotive Engineers.
4. Brotherhood of Locomotive Firemen and Enginemen (white born).
5. Railroad Yardmasters of North America.
6. Brotherhood of Railroad Trainmen.

II. Unions that have constitutional restrictions limiting Negro rights and privileges (5).

American Federation of Labor.

1. International Brotherhood of Blacksmiths, Drop Forgers, and Helpers (auxiliary locals for colored helpers under jurisdiction of white locals; colored members may not be promoted, may not transfer except to other auxiliary colored locals, and are not admitted to shops where white helpers are employed).
2. Brotherhood of Railway Carmen (on railroads where employment of colored persons has become a permanent institution they shall be admitted in a separate lodge).
3. Brotherhood of Maintenance of Way Employees (separate lodges; must select white delegates to represent them).
4. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees (separate auxiliary lodges—no representation in conventions).

Independent.

1. National Rural Letter Carriers Association (only white delegates seated in national conventions.)

III. Informal restrictions against Negroes:

American Federation of Labor.

1. Seafarers International Union (Negroes in steward section only).

Independent.

1. Marine Firemen, Oilers, Watertenders, and Wipers Association, Pacific Coast (membership restricted informally to members of white race).

IV. Unions that have dropped "white" from their constitutions:

American Federation of Labor.

1. Commercial Telegraphers Union of North America.
2. National Organization of Masters, Mates, and Pilots of America.

Independent.

1. Railroad Yard Masters of America.

V. Miscellaneous:

American Federation of Labor.

1. Sailors Union of the Pacific (Affiliate Seafarers International Union of America). (No record of admitting colored.)

2. International Brotherhood of Boilermakers and Iron Shipbuilders and Helpers of America. (Without constitutional or ritualistic provisions, Negroes are expected to be members of auxiliary locals expressly organized for them.)

Senator CHAVEZ. Mr. Wilkins.

Will you identify yourself for the record, please?

STATEMENT OF ROY WILKINS, ACTING SECRETARY, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, NEW YORK, N. Y.

Mr. WILKINS. My name is Roy Wilkins, and I am acting secretary of the National Association for the Advancement of Colored People, located at 69 Fifth Avenue, New York City.

The National Association for the Advancement of Colored People appreciates the invitation of this committee to appear and make a statement on the legislation under consideration. This association has more than 400,000 members, colored and white, in some 800 local chapters located in 44 States and the District of Columbia.

Discrimination in employment against Negro and other minority racial and religious groups is so notorious as not to require a detailed statement before this committee today. Walter White, secretary of this association, appeared before the House Committee on Labor June 13, 1944, in support of bills H. R. 3986, 4004, and 4005, to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry. That testimony was made a part of the official hearings before this committee September 6–8, 1944, in support of S. 2048 designed to achieve the same purpose. The statements made by Mr. White at that time are as valid today as they were then, and I request that they be made a part of this record.

Since that time, however, two developments have occurred which I feel should be brought before this committee. Recently the Fair Employment Practice Committee released a study showing the wartime employment of Negroes in Government agencies. Although there has been a sharp increase in the employment of members of the colored race by Government agencies, amounting to roughly 12 percent of the total personnel, the overwhelming majority of these employees are limited to custodial, industrial, and minor clerical positions so that the increase in employment does not in any wise reflect any basic changes in the governmental policy of limiting Negroes to laborious and unremunerative jobs. I should also like to call attention to certain hearings conducted by the President's Committee on Fair Employment Practice, involving discrimination against Negroes in the railroad industry.

These hearings were held September 16–17–18, 1943. The committee found that Negroes were (*a*) refused employment, (*b*) denied their seniority rights and promotions, and (*c*) barred from Diesel-electric locomotives—all through an agreement entered into between certain carriers and the Brotherhood of Locomotive Firemen and Enginemen

in February, 1941. In spite of the directive from F. E. P. C. to the railroads and labor unions involved to cease such practices of discrimination, more than a year later the defendant parties have not complied. In fact, they defied the committee and stated flatly that they did not intend to comply.

The aggrieved employees found it necessary to institute independent court action against these recalcitrants, and in the October term, 1944, the Supreme Court of the United States vindicated the original findings and directives of F. E. P. C. by holding that the discrimination practiced against Negroes in the industry was unconstitutional. In the words of Mr. Justice Murphy:

> The economic discrimination against Negroes practiced by the brotherhood and the railroad under color of congressional authority raises a grave constitutional issue that should be squarely faced. * * *
> The utter disregard for the dignity and the well-being of colored citizens by this record is so pronounced as to demand the invocation of constitutional condemnation.

In concluding his opinion, Justice Murphy stated:

> The Constitution voices its disapproval whenever economic discrimination is applied under authority of law against any race, creed, or color. A sound democracy cannot allow such discrimination to go unchallenged. Racism is far too virulent today to permit the slightest refusal in the light of a Constitution that abhors it, to expose and condemn it wherever it appears in the course of a statutory interpretation.

Now, Mr. Chairman, private litigation is lengthy and expensive. Even where there has been an abuse of statutory authority as found by the court in *Steele* v. *Louisville & Nashville Railroad Co.*, *Brotherhood of Locomotive Firemen and Enginemen, et al.*, few of those aggrieved would be able to prosecute their complaint to a conclusion. It is, therefore, imperative that an administrative agency with quasi-judicial powers be created by the Congress to protect and secure the privileges and immunities of American citizens belonging to minority groups against the undemocratic and unlawful employment discrimination of which they are victims.

It is our considered opinion that S. 101 will achieve that purpose.

Under this bill, the right to work without discrimination because of race, creed, color, national origin, or ancestry is properly declared to be an immunity of a citizen of the United States. It defines with precision what practices shall be considered unfair within the meaning of this act; it creates procedures which adequately safeguard the constitutional rights of persons charged with discrimination; it gives the Commission power to enforce its findings against those who are recalcitrant.

The speedy adoption of S. 101 would give real meaning to democracy for 13,000,000 Negroes. Its enactment into law by the Seventy-ninth Congress would testify more eloquently than words that the Negro, the Jew, the Catholic, the Spanish-American, the new citizen, man or woman, who has served his country on the battlefronts has not fought in vain.

I understand that this hearing also covers S. 459, a bill to establish a Fair Employment Practice Commission, introduced February 5, 1945. It is our considered opinion that this bill is as inadequate to achieve its declared purpose as S. 101 is efficacious. A cursory examination of S. 459 shows that it is not designed to eliminate discrimination in employment on account of national origin and ancestry. I

am not willing to say that an American citizen of Polish, Italian, or Mexican ancestry is not entitled to be employed under our laws and our theory of government without discrimination because of his ancestry or origin. I feel that if these citizens were good enough to work to build this country and good enough to serve and die during time of war, they are good enough to be protected in their basic right to earn a living. Under this bill, the duties of the Commission would be limited to study and recommendation. That there is discrimination on account of race and national origin is too obvious to require argument. The New York State Commission Against Discrimination, after considerable research, arrived at that conclusion, and during the course of its hearings limited testimony to methods of dealing with it.

Likewise, the Fair Employment Practice Committee has within its files reams of material showing the actuality of racial discrimination in employment. It is clear, therefore, that the problem which faces this Congress is how such discrimination shall be effectively eliminated and not whether discrimination exists.

As I indicated earlier, clear recommendations, in fact, directives, were sent to 16 railroads with a view to bringing their employment policies in line with the national policy. As far as I have been able to ascertain, this has not been done as yet. It is apparent, therefore, that employment discrimination is not the result of oversight or ignorance, but rather the product of a calculated plan by certain employees and unions. To provide, therefore, that an agency created by this Congress to eliminate discrimination in employment shall have only the power to recommend that persons so found change their policies will leave us where we are today. In fact, the present committee has recourse to the President and his war powers, whereas S. 459, looking to the post-war period, does not even contemplate Presidential intervention against those who refuse to comply with the orders of the Commission.

Moreover, under S. 459, where the Commission actually finds that a person has been discriminated against in his right to earn a living, it is powerless to relieve that person from his disability. This is in sharp contrast to the effective and efficient way the situation would be handled under S. 101. The latter bill provides for the hiring or reinstatement of the employee who has been discriminated against, with back pay.

Another criticism of S. 459, the Taft bill, would be that it has no defined area in which to operate, even assuming that there were powers. Obviously, the Federal Government has no authority under the Constitution and existing statutes to deal with employment in industries not involved or affecting interstate commerce. The failure, therefore, of the bill to set forth with definiteness the spheres over which the Commission would have jurisdiction could only result in protracted litigation. This is one of the weaknesses inherent in S. 459.

Another weakness is its failure to provide for the inclusion of nondiscrimination clauses in contracts let by the Government. It seems to us to be fundamental that a national policy of nondiscrimination on account of race should be incorporated into every contract and subcontract made for the performance of service to the Government in which employment would be involved.

Senator CHAVEZ. How can you expect the individual industrialist to do it if the Government won't?

Mr. WILKINS. Precisely so.

The Federal Government is, and will probably be for years to come, the largest single employer in this country. Yet, in spite of the known practices of discrimination on the part of Government agencies, S. 459 remains wholly silent on the matter of giving the Commission jurisdiction to deal with the Government with appropriate appeals to the Chief Executive.

The right to employment has been held in several instances to be a civil right. It is thus defined in the laws of the State of New York. Therefore this bill, if enacted, would merely protect by appropriate legislation, as the Congress has the right to do, the right of citizens of the United States to equality of opportunity in the task of earning a living.

Our Constitution, our Bill of Rights, and our national policy as it has been shaped by legislation, decisions of the United States Supreme Court, and customs built up over the years, all stand in opposition to discrimination between citizens on the basis of race, color, creed, or ancestry, so that this bill, if enacted, will not merely protect what has been declared to be a civil right, but will implement the national policy against discrimination.

For the foregoing reasons, then, Mr. Chairman, which represent merely a cursory examination of the bill, the N. A. A. C. P. is opposed to the Taft bill, S. 459, and urges that this committee take no action with respect to it. At the same time, we respectfully and strongly urge that the committee report out S. 101 in its present form.

Senator CHAVEZ. Thank you very much.

Mr. WILKINS. Thank you.

Senator CHAVEZ. Dr. Castaneda. Doctor, will you state your name and identify yourself for the record, as to residence, occupation, and so forth?

STATEMENT OF DR. CARLOS E. CASTANEDA, REGIONAL DIRECTOR, FAIR EMPLOYMENT PRACTICE COMMITTEE, REGION 10, SAN ANTONIO, TEX.

Dr. CASTANEDA. I am Dr. Carlos E. Castaneda, of San Antonio, Tex., regional director for F. E. P. C., region No. 10, former professor in the history department of the University of Texas, where I have taught for 17 years, and I am now on leave of absence to work for the committee.

Senator CHAVEZ. Have you a statement that you care to make before the committee?

Dr. CASTANEDA. Yes, Senator, I have a statement which I would like to present at this time.

Senator CHAVEZ. All right.

Dr. CASTANEDA. Eighteen months of investigation in connection with complaints filed with the President's Committee on Fair Employment Practice involving Mexican-Americans in Texas, New Mexico, Colorado, Arizona, and California, shows that in spite of the constantly increasing demand for manpower for the successful prosecution of the war, the Mexican-American reservoir of available labor has been neither exhausted nor fully utilized at the highest skill of the individual worker.

In the oil industry, basic and essential to the war effort, Mexican-Americans have been refused employment in other than common labor, yardman, and janitor classifications regardless of qualifications or training in higher skills. The practice is so firmly entrenched that it has been reduced to the blueprint stage. Employment charts in general use throughout the oil industry restrict the employment of Mexican-Americans to the three positions mentioned.

The railroads and the brotherhoods and railway unions have likewise generally restricted the utilization of available Mexican labor supply. By Mexican, no distinction is made between Mexican nationals and American citizens of Mexican extraction, who are restricted in general to common labor, trackmen, general maintenance labor, and car droppers, regardless of previous training, time of service, or other qualifications.

The mining industry in the Southwest with very few exceptions employs Mexicans only in common labor and semiskilled jobs. In many instances they are restricted from underground work, where wages are higher and the danger is less. Mexicans can be oiler helpers, crane operator helpers, and helpers to most skilled job positions and machine operators, but they never can be employed or classed as master craftsmen or machine operators.

In military installations throughtout the Southwest, where large numbers of civilians are employed, Mexicans are hired but not always on a level of equality, be they of American citizenship or not. Frequently they are found in jobs that do not utilize their highest skill. They have been promoted slowly and with evident reluctance.

Public utility companies and telephone and telegraph companies throughout the Southwest have failed to utilize the available Mexican labor supply in other than common-labor jobs, with a rare exception here and there.

The aircraft and shipbuilding industries, be it said in all justice, have given the Mexican worker practically equal opportunities to develop his various skills and to attain promotion in accord with his qualifications. This is true also of muntition and arms factories. But since these are essentially war industries that on VE- and VJ-day will not be readily reconverted to civilian gods production, their workers will be the first to seek employment in the newly acquired industrial skills.

Wives, sisters, and other women relatives of men in the armed forces have been refused employment in war and essential industries because of their Mexican origin. One Maria Garcia, of Clifton, Ariz., declared that her son was in the Army; that he had previously worked in the mines and had been the chief support of the family; and that when she learned that women were being employed by the mining company, she applied for a job, but was told that no Mexican women could be hired.

Another complainant, one Cleo M. Garcia, speaking for herself and seven others, said, "We applied at an ordnance plant in north Texas. Here is what was told me: 'We cannot hire you because the Latin-American people, men and women, are not capable of doing war work.' When I asked him why, and how did he know that we were not capable of doing work if he did not give us a chance to prove we could, and that it is our right as much as anybody else to work in this kind of work, he very rudely disregarded my question and told me

that there was a lot of janitor work that had to be done, and that that was the only place where they could place us or any other Mexicans. We feel this is an injustice to our boys by holding up production when there's a lot of people that are willing to work to speed victory."

Is the Mexican unfit or incapable of adaptation to other than common or agricultural labor? Mr. Floyd L. Wohlwend, member W. M. C. Management-Labor Committee, and personnel officer in the California Shipbuilding Corporation, stated recently:

> Generally speaking our Mexican workers for the most part have come to us in recent months. * * * They just lately began to filter in and our majority of Mexican employees have come in the last 18 months. * * * The Mexican Americans are not only capable, but the variety of jobs at which they can be utilized is limitless if employers, managers, and general management simply will make a point of using them. * * * Production records indicate that they have an equal aptitude with other groups or other individuals. * * * They are definitely on a par * * * there is no difference.

Mr. Robert Metzner, president, Pacific Sound Equipment Co., whose company began to employ Mexican-Americans in 1942, impelled by the shortage of labor, adds:

> As the result of training, Mexican-Americans qualified for skilled jobs, inspectors, both class A and class B, radio repairmen, machinists, turret lathe operators, spot welders and leadmen.

Increasing shortage of labor has forced industry to give the Mexican-American a try, but not without the greatest reluctance and misgivings. Employers agree generally that they produce with the same efficiency as members of any other group. The Fair Employment Practice Committee, set up by Executive Order 9346, has helped to overcome the reluctance of employers to utilize more fully and effectively this remaining pool of available labor. How effective it was in overcoming discriminatory practices in employment and proper utilization has been described in the statement made before this committee in the hearings held during the previous session of Congress on September 8, 1944, in connection with Senate bill 2048, identical to bill S. 101 now before you.

The President's Committee on Fair Employment Practice is a war agency. During its short period of operation it has effectively contributed to the partial integration of Mexican-Americans and the other minority groups in war and essential industries and in Government employ. Bill S. 101, now being considered by your committee, will assure equal economic opportunities, the right to work and earn a decent living on a par with all other persons regardless of race, creed, color, national origin or ancestry, to all Americans now and in the post-war era. The right to work and to earn a decent living without discrimination is a basic principle of American democracy which will be safeguarded by the establishment of such an agency as bill S. 101 proposes.

Senator CHAVEZ. Does that conclude your statement?

Dr. CASTANEDA. Yes, Senator.

Senator CHAVEZ. Doctor, I would like to ask you one or two questions. You have been teaching in the history department of the University of Texas for how many years?

Dr. CASTANEDA. For 17 years, Senator.

Senator CHAVEZ. Within the State of Texas there are many Mexicans?

Dr. CASTANEDA. Yes, that is correct, Senator.

Senator CHAVEZ. Many of those so-called Mexicans are native-born citizens of the State of Texas, and of the United States. Is that correct?

Dr. CASTANEDA. That is correct.

Senator CHAVEZ. And a portion of them are immigrant population—Mexican nationals?

Dr. CASTANEDA. Yes, Senator.

Senator CHAVEZ. Have you been able to yourself observe the economic treatment of both those classes of people, both the so-called Mexican-Texan, and the Mexican national?

Dr. CASTANEDA. Yes, Senator. In connection with the work of the committee, and also in the years previous to the establishment of the committee, I have been interested in the condition of the Mexican-American, or the Latin American, in the State of Texas. There are in Texas approximately 1,000,000 persons of Mexican extraction, of which more than 60 percent are American citizens. In employment practices there is no difference made whatsoever between a Mexican national and an American citizen of Mexican extraction. If a worker's name is a Spanish one, he is considered as a Mexican and treated as such.

During the days of relief, the various agents who distributed relief, allowed much less to Mexican families on relief than to Anglo-American families, anybody with a Spanish name, be he an American citizen or not, and they went on the assumption that a Mexican does not have to eat so much, that he is not used to eating butter and bacon and other rich foods, and that if they gave it to them it might make them sick.

Senator CHAVEZ. Well, we have heard that a similar argument was used by some of the States in the South. So it is not particularly new. But the reason for my question is because we have heard so much of this good-will business, about how much the people of the United States, and the United States Government, love the people south of the border. Only lately, as you know, we had the big meeting in Mexico City where there developed that charming charter of democracy, the Chapultepec Charter. How much effect do you think that that charter, or our lip service, or our so-called feeling of good-will, will have on the average man south of the border when he knows that the conditions that you have just described to the committee exist in Texas?

Dr. CASTANEDA. Senator, I would rather leave the answer to the question, which is obvious, to anybody else.

Senator CHAVEZ. But from your experience as a member of the F. E. P. C. agency, you know that those conditions that you have described exist not only in Texas but throughout the entire Southwest, wherever Americans of Mexican or Spanish extraction live?

Dr. CASTANEDA. In speaking before clubs interested in Pan-Americanism, the question has been asked, "Do the people south of the Rio Grande feel kindly toward this country?" And I have had to say that there are many people south of the Rio Grande who seriously doubt the protestations of friendship made, when the ways in which the Mexican-Americans and Mexican nationals are treated in the Southwest are reported in Mexican newspapers.

Senator CHAVEZ. In order to be fair wouldn't you say, though, that as far as Government is concerned, including the great State of Texas, they are trying to remedy the situation?

Dr. CASTANEDA. Yes; I think there is a sincere effort being made. We have been trying that for many years and at present there are even greater efforts being made through persuasion, but the roots of prejudice are so deep-seated in the Southwest that it is going to take something more than persuasion to bring about a change of conditions.

Senator CHAVEZ. You would, then, say that legislation such as is proposed by Senate bill 101, which contains some enforcement powers, would help out the educational features and efforts that are being made by good-hearted people?

Dr. CASTANEDA. As an employee of the Fair Employment Practices Committee I could not make such a statement without it possibly being interpreted in the wrong light.

Senator CHAVEZ. Why should an employee of the Federal Government, just because he happens to be an employee of the Federal Government, not be allowed, in our democracy, to express his opinion?

Dr. CASTANEDA. It might be interpreted as an effort to perpetuate the agency that employs him, which is temporary.

Senator CHAVEZ. Well, suppose we were to abolish that agency, and its personnel, would you still be for a Fair Employment Practices Committee?

Dr. CASTANEDA. Yes. I would say that we in Texas—and I am speaking now not as an employee of the F. E. P. C. but as one of those who has worked for many years in trying to eradicate discrimination against Mexican-Americans—I would say that we in Texas are convinced that the solution to the problem is legislation, legislation that can be effectively enforced so as to restrain that small minority, but very aggressive minority, who, because of ignorance, perhaps, practice discrimination that brings shame upon our American democracy.

Senator CHAVEZ. And isn't it true that the more ignorant they are, the more is their sense of superiority emphasized?

Dr. CASTANEDA. That has always appeared to me to be the case.

Senator CHAVEZ. May I also add this, that the sponsors of Senate bill 101 are not interested in the personnel, Doctor, of the F. E. P. C., whatsoever, but they are interested in the legislation.

Dr. CASTANEDA. Thank, you, Senator.

Senator CHAVEZ. Thank you, Doctor, for your very fine statement.

Mr. Quevedo. Please state your name, Mr. Quevedo, to the reporter.

STATEMENT OF EDUARDO QUEVEDO, PRESIDENT, COORDINATING COUNCIL FOR LATIN-AMERICAN YOUTH, LOS ANGELES, CALIF.

Mr. QUEVEDO. My name is Eduardo Quevedo. I am the president of the Coordinating Council for Latin-American Youth and I reside in Los Angeles, Calif.

Mr. Chairman, for years, a great number of the English-speaking Americans in the United States have believed that the people of Mexico and the Latin-Americans in the Western Hemisphere harbored a feeling of hatred against them. In fact, immediately after

Pearl Harbor rumors were spread by our enemies that Mexico was pro-German. This is erroneous.

Very recently the Honorable Adolfo de la Huerta, former President of Mexico, and a great friend of the American people, stated to me, and I quote:

> How can anyone conceive the idea that we hate Anglo-Americans when the record shows that when Mexico is at peace an Anglo-American can travel from Juarez, Chihuahua, to Mexico City, at all times treated with courtesy, friendliness, and cordiality. In contrast, when a Mexican or Latin-American enters the United States his attention is immediately drawn to numerous cases of discrimination toward his people. I am sure that the word to use is not hatred. They have resentment, perhaps even fear, because they doubt the sincerity of the good-neighbor policy. When the true good-neighbor policy is demonstrated here in the United States to the 3,000,000 Mexican-Americans with fair treatment and better human understanding, the Mexican and Latin-American countries will believe in the true sincerity of their neighbors to the north.

I believe this gentleman was expressing the sentiment of many others.

In a previous conference with Mr. Nelson D. Rockefeller, who was then Coordinator of Inter-American Affairs, he outlined to me the fine work that his office was doing outside of continental United States. I then felt it my duty, as an American, to impress Mr. Rockefeller with the necessity of doing the same fine work within the United States. Because I am convinced that the 3,000,000 Spanish-speaking Americans constitute the soundingboard for the Western Hemisphere, at this time I am convinced that the Coordinator took a wise step by establishing some of the activities of his office within our own country, and certainly has been instrumental in bringing about better understanding, and is helping us in the direction of an early assimilation.

The interviews I have just related, and many others too numerous to mention, came about as a result of my active participation in various social and civic organizations—activities that I first became interested in in my early youth and have been carrying on in California for the past 18 years.

I have been an active member for many years of the Federation of Spanish-American Voters, Inc.; president of the Coordinating Council for Latin-American Youth; officer of the Citizens' Committee on Latin-American Youth, appointed by the Los Angeles County Board of Supervisors; Adult Americanization Program of the Roosevelt High School; I was appointed by the former Governor of California, Culver L. Olson, to the Committee Investigating Discriminatory Practices in the Whittier State School; director of the Los Angeles Mexican Chamber of Commerce; field commissioner of the Boy Scouts of America; and many other national associations interested in better understanding between the Anglo and Latin American.

In fairness to justice, I feel it my responsibility to bring to the attention of this committee the fact that there are on the west coast industries which have seemingly tried since the beginning of the war, and undoubtedly some of them before our present conflict, to be as fair as possible to the minorities. Among them I can mention the California Shipbuilding Corporation at Terminal Island, Calif., whose officers, in conjunction with Navy officials, went out of their way to help me clear many thousands of Mexican nationals through proper author-

ized Government channels, and who employ and retain them to this day without any discrimination that I know of.

That holds true, also, for the American Brakeshoe & Foundry Co., and the Owl Drug Co. of California. It is also true that Lockheed Aircraft, Douglas Aircraft, and others now have what we may call a fair policy, these latter ones as a result of the efforts of the President's Committee on Fair Employment Practice.

However, as an American, I feel it my duty also to report at this time the other side of the picture, and this is not a bright one.

I have information from reliable sources that there are files to show that discrimination is increasing in the area of southern California.

Indications from F. E. P. C. files show that discrimination is increasing in this area. During the past 4 months the "walk in" or unreferred cases validated by F. E. P. C. have been as follows: November 1944, 12; December 1944, 16; January 1945, 20; and February 1945, 23. The total number of cases validated since the opening of the office, September 16, 1943, in this area, is 488. Private businesses have been the parties charged in 79 percent of the cases, Government agencies in 17 percent of the cases, and labor unions in 4 percent of the cases.

In the category of race, under the reasons for discrimination, there has been a noticeable increase from 59 percent, on September 1, 1944, to 62 percent on December 31, 1944. However, the category of creed has decreased from 14 percent to 12 percent; and national origin has decreased from 27 to 22 percent. The persons of the Jewish faith and Mexicans have been reluctant to report cases of discrimination and the indication is that they still are, despite the increasing reports of numerous incidents.

The types of discrimination show alarming increases in two categories. Refusals to hire have increased from 39.2 to 45 percent and discriminatory working conditions, from 25.9 to 33 percent since September 1944. Testimony given by complainants indicate that the subtle statement "No openings today," made to minortiies 6 months ago, has been changed now to a bold, "We are not hiring your kind any more; we never wanted you anyway." Other statements are, "Let's make it so tough for the ——— that they'll quit;" and threats of bodily harm have been reported. While discriminatory discharges have remained at 18 percent, discriminatory union conditions have decreased from 16.5 to 4 percent since September 1944.

Senator CHAVEZ. Let me get that right. The percentage of 16.5 percent was in what year?

Mr. QUEVEDO. Up to September of 1944 it was 16.5 percent.

Senator CHAVEZ. That is where the unions were doing the discriminating?

Mr. QUEVEDO. That is right.

Senator CHAVEZ. And that has now been reduced to 4 percent?

Mr. QUEVEDO. That is right, sir.

Thirty-six percent of the cases have had to be dismissed on merits mainly because of high absenteeism and tardiness rates, and refusals to accept assignments in outlying plants when their nearby branches were reducing personnel or being closed. When the absenteeism and tardiness rates were investigated a direct relation was found in the housing and transportation problems.

Pearl Harbor rumors were spread by our enemies that Mexico was pro-German. This is erroneous.

Very recently the Honorable Adolfo de la Huerta, former President of Mexico, and a great friend of the American people, stated to me, and I quote:

> How can anyone conceive the idea that we hate Anglo-Americans when the record shows that when Mexico is at peace an Anglo-American can travel from Juarez, Chihuahua, to Mexico City, at all times treated with courtesy, friendliness, and cordiality. In contrast, when a Mexican or Latin-American enters the United States his attention is immediately drawn to numerous cases of discrimination toward his people. I am sure that the word to use is not hatred. They have resentment, perhaps even fear, because they doubt the sincerity of the good-neighbor policy. When the true good-neighbor policy is demonstrated here in the United States to the 3,000,000 Mexican-Americans with fair treatment and better human understanding, the Mexican and Latin-American countries will believe in the true sincerity of their neighbors to the north.

I believe this gentleman was expressing the sentiment of many others.

In a previous conference with Mr. Nelson D. Rockefeller, who was then Coordinator of Inter-American Affairs, he outlined to me the fine work that his office was doing outside of continental United States. I then felt it my duty, as an American, to impress Mr. Rockefeller with the necessity of doing the same fine work within the United States. Because I am convinced that the 3,000,000 Spanish-speaking Americans constitute the soundingboard for the Western Hemisphere, at this time I am convinced that the Coordinator took a wise step by establishing some of the activities of his office within our own country, and certainly has been instrumental in bringing about better understanding, and is helping us in the direction of an early assimilation.

The interviews I have just related, and many others too numerous to mention, came about as a result of my active participation in various social and civic organizations—activities that I first became interested in in my early youth and have been carrying on in California for the past 18 years.

I have been an active member for many years of the Federation of Spanish-American Voters, Inc.; president of the Coordinating Council for Latin-American Youth; officer of the Citizens' Committee on Latin-American Youth, appointed by the Los Angeles County Board of Supervisors; Adult Americanization Program of the Roosevelt High School; I was appointed by the former Governor of California, Culver L. Olson, to the Committee Investigating Discriminatory Practices in the Whittier State School; director of the Los Angeles Mexican Chamber of Commerce; field commissioner of the Boy Scouts of America; and many other national associations interested in better understanding between the Anglo and Latin American.

In fairness to justice, I feel it my responsibility to bring to the attention of this committee the fact that there are on the west coast industries which have seemingly tried since the beginning of the war, and undoubtedly some of them before our present conflict, to be as fair as possible to the minorities. Among them I can mention the California Shipbuilding Corporation at Terminal Island, Calif., whose officers, in conjunction with Navy officials, went out of their way to help me clear many thousands of Mexican nationals through proper author-

ized Government channels, and who employ and retain them to this day without any discrimination that I know of.

That holds true, also, for the American Brakeshoe & Foundry Co., and the Owl Drug Co. of California. It is also true that Lockheed Aircraft, Douglas Aircraft, and others now have what we may call a fair policy, these latter ones as a result of the efforts of the President's Committee on Fair Employment Practice.

However, as an American, I feel it my duty also to report at this time the other side of the picture, and this is not a bright one.

I have information from reliable sources that there are files to show that discrimination is increasing in the area of southern California.

Indications from F. E. P. C. files show that discrimination is increasing in this area. During the past 4 months the "walk in" or unreferred cases validated by F. E. P. C. have been as follows: November 1944, 12; December 1944, 16; January 1945, 20; and February 1945, 23. The total number of cases validated since the opening of the office, September 16, 1943, in this area is 488. Private businesses have been the parties charged in 79 percent of the cases, Government agencies in 17 percent of the cases, and labor unions in 4 percent of the cases.

In the category of race, under the reasons for discrimination, there has been a noticeable increase from 59 percent, on September 1, 1944, to 62 percent on December 31, 1944. However, the category of creed has decreased from 14 percent to 12 percent; and national origin has decreased from 27 to 22 percent. The persons of the Jewish faith and Mexicans have been reluctant to report cases of discrimination and the indication is that they still are, despite the increasing reports of numerous incidents.

The types of discrimination show alarming increases in two categories. Refusals to hire have increased from 39.2 to 45 percent and discriminatory working conditions, from 25.9 to 33 percent since September 1944. Testimony given by complainants indicate that the subtle statement "No openings today," made to minortiies 6 months ago, has been changed now to a bold, "We are not hiring your kind any more; we never wanted you anyway." Other statements are, "Let's make it so tough for the ——— that they'll quit;" and threats of bodily harm have been reported. While discriminatory discharges have remained at 18 percent, discriminatory union conditions have decreased from 16.5 to 4 percent since September 1944.

Senator CHAVEZ. Let me get that right. The percentage of 16.5 percent was in what year?

Mr. QUEVEDO. Up to September of 1944 it was 16.5 percent.

Senator CHAVEZ. That is where the unions were doing the discriminating?

Mr. QUEVEDO. That is right.

Senator CHAVEZ. And that has now been reduced to 4 percent?

Mr. QUEVEDO. That is right, sir.

Thirty-six percent of the cases have had to be dismissed on merits mainly because of high absenteeism and tardiness rates, and refusals to accept assignments in outlying plants when their nearby branches were reducing personnel or being closed. When the absenteeism and tardiness rates were investigated a direct relation was found in the housing and transportation problems.

It was found that a disproportionate number of minority group workers are having to travel 30, 50, and 80 miles per day to and from industries because they must live in designated areas which have been prohibited from expansion by restrictions elsewhere. Reports show that only 3,000 Negro families are in public housing projects; 550 families in restricted and vacated areas; and only 500 families in privately constructed war housing units. Negroes have filed 55 percent of the current eligible applications for public war housing while they constitute only about 4 percent of the population. The reports show further that these conditions have caused overcrowding, "hotbeds," and transportation problems which, in many instances, have resulted in high absenteeism and tardiness rates. Of course the industries are interested in the efficient and constant employee.

Other indications may be inferred from a special 2-day survey on January 23–24, 1945, made in Six Los Angeles County U. S. E. S. offices. The report states that "The special 2-day tally should, however, reflect with reasonable accuracy the general proportion of Negroes in the various labor markets at present." Reception contacts were as follows: Negro percentage of total, Los Angeles (Eleventh and Flower Sts.) 14.2; Los Angeles (Casual Labor Office) 79; San Pedro, 25.7; Wilmington, 18.9; Long Beach, 4.8; and Huntington Park, 14.6. It has been impossible to get such figures on other minority groups.

Despite the unemployment figures mentioned above, the following statements are found in current cases and have been made in conferences:

1. We will reconsider the employment of Negroes if a directive is issued by higher authorities.
2. We employ Negroes and Mexicans in our Los Angeles plant, but we don't think it can work out, out here.
3. The confidential information we have indicates that the integration of workers has not been successful.
4. I want to be fair about this but the United States Employment Service seems to send me only Negro workers. My white workers are beginning to talk and ask why we have to hire so many, while none are hired over there.
5. The other Jews here don't complain about discrimination.
6. The Mexicans seem to be better fitted for that type of (dirty) work.
7. One of our oldest employees, in number of years, is a Jew.

I have individual cases, Mr. Chairman, and I would like to call your attention to two or three of them, and if I may I would like to file this report, showing a number of individual cases, by name, with the committee.

Senator CHAVEZ. Well, you refer to the two or three cases that you want to, and then you may file the remainder of the list with the committee.

Mr. QUEVEDO. Mrs. Mary Delgado, of 2021½ Irving Avenue, San Diego, complained against the Consolidated Aircraft Co. and Mrs. Peggy Clayton, of the personnel department, that she was refused employment because she was of Mexican descent.

Senator CHAVEZ. May I say that I recall that name very vividly. That happened about 3 years ago when the war effort first started around the San Diego area. I had a letter from this girl and two other girls, that the three of them were graduates of high schools in the city of San Diego; the three of them wrote passing English, good English; and every one of them stated that the city of San Diego had provided training that would qualify them to go to work in the air-

craft industry, but that they had been turned down, notwithstanding their qualifications and their training that the citizens had paid for, because they happened to be of Mexican descent.

I wrote to Mr. Fleet, at that time the president of the company, and I am glad to say that I think the matter was rectified.

Mr. QUEVEDO. That matter was corrected, Senator, but many, many others are not yet corrected and won't be until S. 101 goes through.

Lee J. Montoya, 3431 Smith Street, Los Angeles, complains against the Pacific Fruit Express Co., their car department at Los Angeles, that they refused to up-grade seven Mexican nationals who had seniority rights, but that newcomers took preference.

Miss Elis M. Tipton, 213 South San Dimas Avenue, San Dimas, Calif., has a complaint against the San Dimas Orange Growers Association and the San Dimas Lemon Association, of San Dimas, Calif., of discrimination against Mexican workers; that it has been their policy to do so for the past 20 years; and that those living in close proximity to plants have to travel far to find employment.

The others run along the same line, and I ask your permission to file that at this time with the committee.

Senator CHAVEZ. That may be done.

(The list of discriminatory cases submitted will be found on file with the committee.)

Mr. QUEVEDO. I would like, with your permission, Mr. Chairman, to recall to your attention the quotation that I just mentioned by Adolfo de la Huerta, the former President of Mexico. You will recall that he said "when Mexico is at peace an Anglo-American can travel" from one end of the Nation to the other, being treated with courtesy, friendliness, and cordiality. I asked him what he meant or intended to imply when he said "when Mexico is at peace." I remember his answer distinctly. He said, "the reason I put it there is because I want my people to be treated in peacetime in your country as well as they have been treated in wartime."

Then in Los Angeles County itself we have better than 300,000 Spanish-speaking Americans. In the entire State of California there are very close to three-quarters of a million.

Senator CHAVEZ. Are you talking now of citizens of the United States?

Mr. QUEVEDO. No; that is the total population of that particular group. But the best estimates and surveys made show that out of the 310,000 Americans of Mexican extraction residing in the county of Los Angeles, State of California, 65 percent are either American-born or naturalized citizens of the United States.

Senator CHAVEZ. Then they are citizens of the United States?

Mr. QUEVEDO. Correct.

Senator CHAVEZ. Subject to all the duties and obligations that go with citizenship. They go to war, do they not?

Mr. QUEVEDO. Well, Mr. Chairman, with your permission I would say that this statement is heard quite often in Los Angeles and throughout the State. Not only do the American citizens of Mexican extraction go to war but in fact it is common knowledge that the only time in the history of the United States where these people have been treated with equality was immediately after Pearl Harbor when they were called to the colors to wear the uniform.

In discussing some of these cases at public meetings, in committee work, it is interesting to note that the parents, and brothers and sisters of these boys in uniform are not anxious to see the war end, Mr. Senator. We always talk of an early victory and of the peace that will follow, but their reaction is this: "We are not happy about it; when our boys come back we are going to be treated just as bad as we were treated before."

Mothers of soldiers who have died in the front lines of battle today cannot come to visit their folks in the United States, although their sons were good enough to go to war.

So there is a strong sentiment, and I can safely say here in the name of the Coordinating Council for Latin-American Youth, which represents 72 organizations with an approximate membership of 15,000 in the county of Los Angeles, and we have various other organizations, that the entire American population of Mexican extraction in the State of California is 100 percent for the passage of Senate bill No. 101.

Senator CHAVEZ. Now, let's get that a little clearer. You represent a certain group of people in California?

Mr. QUEVEDO. That is right.

Senator CHAVEZ. Who happen to be of Spanish or Mexican extraction?

Mr. QUEVEDO. That is right.

Senator CHAVEZ. But they are citizens of the United States and naturally, probably believe in the right of petition, like the rest of us do?

Mr. QUEVEDO. Yes.

Senator CHAVEZ. What is it that you feel that the people that you represent want, or that the Americans of Mexican or Spanish extraction desire from the Government, with reference to this bill; what is it?

Mr. QUEVEDO. That is a fine question, Mr. Chairman.

We want to assume all our responsibility and obligation to Government; we want to do our duty by Government. We do not want any special privileges whatsoever. We do not even want a job, or feel that we are entitled to a job, just because we happen to be of a certain racial extraction. But inasmuch as we accept our duties and responsibilities as Americans, even to the extent of losing our lives as Americans, we do not want to be deprived of a job on account of our ancestry or national origin or race. We desire an equality of opportunity and to have some dignity as citizens.

Senator CHAVEZ. I think that is a fine answer. Thank you, Mr. Quevedo.

Mr. QUEVEDO. Thank you.

Senator CHAVEZ. Does that conclude your statement?

Mr. QUEVEDO. That concludes my remarks; yes.

Senator CHAVEZ. Mr. Paz? Please state your name and your connection for the reporter.

STATEMENT OF FRANK PAZ, PRESIDENT, THE SPANISH-SPEAKING PEOPLE'S COUNCIL OF CHICAGO

Mr. PAZ. My name is Frank Paz. I am a resident of, and member of, Hull House in Chicago. I am also the president of the Spanish Speaking People's Council of Chicago, interested in the establishment of a permanent F. E. P. C.

Senator CHAVEZ. How much of a population, of Spanish or Mexican extraction, is there in Chicago?

Mr. PAZ. In the Chicago area there are 45,000 Spanish-speaking people, residents of the Chicago area.

Senator CHAVEZ. And is that Cook County alone or does it extend into Indiana?

Mr. PAZ. I would include in those 45,000 people, part of Indiana as well as the southern part of Wisconsin, including Milwaukee.

Mr. Chairman, I am interested—as well as the other people residing in the Chicago area of Spanish extraction—in the passage of bill S. 101, for the simple reason that we are interested fundamentally in the principles of American democracy.

In American democracy there is no room or place for racial discrimination. Our people, as other speakers have already said, do not want any special privileges. All they want is the right to enjoy full citizenship.

I will tell you the relation of the people living in the Chicago area with the Southwest. In Chicago, of the 45,000 people that live there, they are primarily occupied in three industries—in the railroad industry, in the steel mills, and in the packing industry. But just as they are occupied primarily in these three industries, they also find employment in very peculiar jobs in these respective industries.

In the railroads, the overwhelming majority of these employed find employment only as section hands. Very few find employment in the higher skilled trades. And it is ironical, when there are thousands and thousands of Mexican-Americans, workers, on the railroads today, that one of our railroads in Chicago is bringing in, within 5 weeks from now, 150 workers from Mexico to work as skilled laborers, as electricians, as pipe fitters, steam fittters, millwrights, and so forth. Yet they refuse to give oportunity to these people who are residents of the Chicago area and the overwhelming majority of them citizens of this country. Those people who are coming here from Mexico are coming on a temporary basis, so that when the contract is finished they will go back to their country. But we, who will remain as part of this country, are not given the opportunity to use our skills to the fullest.

Let me give you a couple of instances of how Mexicans are discriminated against. In one of our steel mills there is a man who has been working there for over 20 years. His name is Ramon Martinez, and his address is 8817 South Buffalo Avenue. At this mill he works in the yard—and most of the Mexicans that are employed in the mills work in the yard—which means that they have to work outdoors during the heat of the summer and the cold of winter and in rainy weather. The other group works in the coke plant where they burn the coke and extract the poisonous gas. Also there is a group employed as chippers, and now and then you may see—but as a rule you do not—people employed in other departments.

This Ramon Martinez was put in charge of a gang of workers in the yard because they were Mexicans and he could speak their language. He was supposed to be a foreman and he discovered that he was making $50 a month less than the wages paid to the average foreman in the same capacity as he was working. He went to the proper authorities in the plant and asked why he was receiving much

less money than the others. The answer was that he was not a citizen of the United States. True, at that time he was not. He was interested enough in his country to acquire his citizenship, and, after he acquired his citizenship, he went back and said that he was a citizen of the United States and still he was not receiving the normal wages of other foremen.

Excuse number 2 given to Mr. Martinez was that he had not a high-school education. Mr. Senator, you as well as everyone else here knows that the average education of a foreman is not necessarily that of a high-school graduate. Nevertheless, this man was interested enough to go to evening school and he received a high-school diploma.

Again he went and asked for the same wages as the other foremen. The answer was that he had to be there a longer period of time than he had been there. That is the steel industry.

Senator CHAVEZ. Was that case reported to the F. E. P. C., do you know?

Mr. PAZ. We had a meeting with Mr. Williams of the Chicago area, where Mr. Martinez related his case. Whether the F. E. P. C. will follow through on that, or not, I do not know.

Then there is a man by the name of Garcia Herrera, of 728 West Fourteenth Place, who works in a packing plant, in the car shops. He has been working there for the last 20 years. That is a mechanics shop and he works there as a helper and has for 20 years. He was interested enough to go to evening school and learn welding. As a welder he applied for that position. Up to now that position has been refused to him "because they have no room." Yet ironically enough he has trained many of the younger men, not of Mexican descent, who have come to the car shops to be trained for higher skilled jobs.

These are some of the incidents that have happened.

Today in Chicago we have a crisis in streetcar transportation. There are signs all over the city asking for workers to work on the streetcars. A boy—and I say a boy because he is only 22 or so—by the name of Vilar, decorated with the Purple Heart, discharged, honorably discharged, from the United States Army after 3 years and 3 months of service in the Pacific—he was one of the very first to arrive in the Pacific, Guadacanal, and other islands—applied for a position with this streetcar company and the answer was, "Our policy up to now has been not to discriminate, but our experience has been that you are from a minority group and we don't know whether that would work so well if you were to work in the street railway industry."

Senator CHAVEZ. Just a minute. Mr. Ross, will you kindly come forward, please? I don't know whether you heard this last incident described or not?

Mr. Ross (chairman, Fair Employment Practice Committee). I heard a good deal of it but I didn't hear where it was.

Mr. PAZ. In Chicago.

Senator CHAVEZ. Here is a boy who was given the Purple Heart—and as I understand it that is only given after you suffer the agonies of the damned in combat against the enemy—who was refused a job by the streetcar company in Chicago because he happened to belong to a certain minority racial group. The boy is an American. I wish you would make a note of that and look into it for the committee.

Mr. Ross. I will, Senator.

Mr. PAZ. Therefore, Senator, we are interested in this bill for only one reason, for the equality of opportunity that this bill will make possible for the people to find employment, not to be deprived of work due to their national origin, race, or religion.

I believe that this bill is fundamentally American. I believe in the principles of democracy that give an opportunity for all to achieve their proper place. I believe that this bill will not only tend to improve the conditions and relations on a more sincere level between this country and the 20 other republics of this hemisphere but it also implies that in this country we will find the true path to democracy—and discrimination is un-American, undemocratic, and un-Christian.

Senator CHAVEZ. Thank you, Mr. Paz.

Mr. PAZ. Thank you.

Senator CHAVEZ. Alonso Perales.

STATEMENT OF ALONSO S. PERALES, CHAIRMAN, COMMITTEE OF ONE HUNDRED, DIRECTOR GENERAL, LEAGUE OF LOYAL AMERICANS, SAN ANTONIO, TEX.

Mr. PERALES. My name is Alonso S. Perales; I am chairman of the Committee of One Hundred and director general of the League of Loyal Americans.

Senator CHAVEZ. What is your home city?

Mr. PERALES. San Antonio, Tex., sir.

Senator CHAVEZ. What is this League of Loyal Americans, and what is the Committee of One Hundred?

Mr. PERALES. The Committee of One Hundred, sir, is strictly a political organization composed of American citizens of Mexican descent. The League of Loyal Americans is a civic and patriotic organization composed also of Americans of Mexican descent.

Furthermore, sir, I have with me credentials from organizations throughout the State of Texas which I believe warrant me in stating that I represent 1,000,000 Americans of Mexican descent from the State of Texas.

Senator CHAVEZ. That is what we want to know.

Mr. PERALES. Including over one-quarter of a million American soldiers of Mexican descent from Texas now in the battlefields of Europe and other parts of the world.

Senator CHAVEZ. Mr. Perales, you are a native of Texas, are you not?

Mr. PERALES. Yes, sir.

Senator CHAVEZ. You have written some works on Texas, have you not?

Mr. PERALES. Yes, sir.

Senator CHAVEZ. Will you state for the committee's information the names of some of the works you have written.

Mr. PERALES. Sir, I have devoted over 25 years to this problem of discrimination and better relations with our brethren south of the border. In fact, I have written two books entitled "En Defensa de Mi Raza," which, translated into English means "In Defense of My Race."

I served in the diplomatic service of the United States for a period of 10 years, on 13 different assignments which carried me to Central

and South America and the West Indies. I also served in the First World War. Since 1930, however, I have devoted my entire time to the practice of law in San Antonio.

With your permission, sir, I should like to incorporate in the record or offer at this time a little biographical sketch regarding the speaker, which I think will save a lot of time.

Senator CHAVEZ. Very well; that may be put into the record.

(The biographical sketch referred to is as follows:)

Perales, Alonso S.: Lawyer, legal adviser to the United States Electoral Mission in Nicaragua, 1932. Born in Alice, Tex., October 17, 1898. Married. Graduated from public schools of Alice, Tex., and preparatory school, Washington, D. C. Attended School of Arts and Sciences, George Washington University; graduated from the School of Economics and Government, National University, A. B.; and from National University Law School, LL. B.; admitted to Texas bar, 1925. Served with the United States Army in Texas during the World War; 2½ years in the Department of Commerce, Washington, D. C. Served in the Diplomatic Service of the United States as assistant to Hon. Sumner Welles, personal representative of the President of the United States in the Dominican Republic, 1922; assistant to the United States delegation, Conference on Central American Affairs, Washington, D. C., 1922–23; assistant to Inter-American High Commission, Washington, D. C., 1923; attorney and interpreter, United States delegation, Plebiscitary Commission (Gen. John J. Pershing, president), Tacna-Arica arbitration, 1925–26; special assistant to United States delegation to Sixth International Conference of American States, Habana, Cuba, 1928; attorney with agency in the United States, General and Special Claims Commission, United States and Mexico, 1928; attorney, United States Electoral Mission in Nicaragua, 1928; special assistant in United States delegation to International Conference of American States on Conciliation and Arbitration, Washington, D. C., 1928, 1929; special legal assistant, Commission of Inquiry and Conciliation, Bolivia and Paraguay, Washington, D. C., 1929; assistant to United States delegation, Congress of Rectors, Deans, and Educators, Habana, Cuba, 1930; legal adviser to the United States Electoral Mission in Nicaragua in 1930. At present engaged in the private practice of law in San Antonio, Tex.

Senator CHAVEZ. You may proceed with your statement.

Mr. PERALES. At the outset, Mr. Chairman, in the name of the people that I represent, I wish to thank the committee for this opportunity of appearing before it to express our views on Senate bill 101 and Senate bill 459.

In the first place we are strongly in favor of Senate bill 101 and opposed strongly to Senate bill 459, for the simple reason that Senate bill 459 has no teeth in it, and Senate bill 101 does; and in order to get anywhere, Mr. Senator, we have to have Federal legislation with teeth in it—plenty of teeth.

Also I should like to ask permission, Mr. Chairman, to have incorporated in the record of this hearing my statement made to this committee at the previous hearing in connection with Senate bill 2048, last September.

Senator CHAVEZ. That may be done.

(The testimony referred to will be found on file with the committee.)

Mr. PERALES. The President's Committee on Fair Employment Practices, Mr. Chairman, has proved to be, beyond the shadow of a doubt, the most constructive piece of legislation ever enacted by our Federal Government, both in justice to Americans of Mexican descent and to the end of cementing better relations with the 130,000,000 inhabitants of the Western Hemisphere that happen to be of Mexican or Spanish lineage.

To illustrate—before the President's Committee on Fair Employment Practices came into existence, we had a most deplorable situation in Texas, particularly in San Antonio.

At Kelly Field, for example, where our Federal Government employs 10,000 people, approximately, on three shifts, our men of Mexican descent never could hold a position of a higher category than that of laborer or mechanics' helper.

Our Government, the Federal Government, established at San Antonio what was known as an aircraft school in order to train these young men from high school to become mechanics. Our boys of Mexican descent went directly from high school there, together with the boys of Anglo-Saxon descent, and they graduated with good grades, were assigned by the United States Aircraft School, to Kelly Field for employment. And our boys of Mexican descent were employed as laborers or as mechanics' helpers; and the Anglo-American boys began as laborers and mechanics' helpers, the same as the Mexican boys, but the Anglo-American boys in a very short time were promoted to junior mechanics, senior mechanics, and journeymen; whereas our boys remained as laborers and mechanics' helpers forever.

Now, here is an example:

STATEMENT OF ROMAN ALVARADO

I have been employed at the San Antonio Air Depot, Kelly Field, Tex., since October 5, 1942, as a classified laborer. During this time I have had occasion to observe that the American citizen of Mexican descent does not have the same opportunity to advance that is given to citizens of other extractions. He is looked upon with indifference by the supervisors. He is always given rough, hard work; and, to make matters worse, they are placed under Negro foremen. There is only one foreman of Mexican descent, while in the section where I am working there are about eight or nine Negro foremen. I am speaking of the second shift, which is from 3:15 p. m. to 11:45 p. m., and am referring only to the section where I work.

Citizens of other racial lineages, including those of Negro extraction, have opportunity for promotion.

There are about 200 classified laborers employed in the shift I am referring to.

Witness my hand at San Antonio, Tex., this 20th day of May, A. D. 1943.

ROMAN M. ALVARADO.

The next is a statement by Jose Doroteo Salas, made under oath:

My name is Jose Doroteo Salas. I am 32 years of age and married. I reside at 1702 San Fernando Street, in San Antonio, Tex. I was born in Seguin, Guadalupe County, Tex., and I am a citizen of the United States of America. I am able bodied, and am enjoying good health. I am an air-raid warden.

On February 24, 1943, about 3 p. m., I went into the United States Employment Service, 210 West Nueva Street, San Antonio, Tex., for the purpose of applying for a job as a watchman. I was interviewed by an Anglo-American man who appeared to be about 30 years of age. I do not know his name. He asked me what kind of a job I preferred, and I told him that I would like to be a watchman. He replied that he would not consider Spanish people for that kind of job because those jobs were reserved for "white" people only. I told him that I am an American citizen, white, and just as good as any other citizen, whereupon he said: "Well, those are the orders I have." When I asked him who had given him such orders, he refused to answer.

Now, Mr. Chairman, I have read those two statements just as an example of the situation existing on the economic phase of this problem. I have many, many more here, but I am not going to bore the committee with them. I just want the committee to know that the evidence is here, open to the inspection of the committee.

Now the Shell Oil Co., in Houston, in 1942, entered into an agreement with a chapter of the C. I. O. union at Houston whereby Mexicans, regardless of skill, could be employed only as gardeners, yardmen, and laborers.

Senator CHAVEZ. That is kind of a new one for the C. I. O. union to do that.

Mr. PERALES. It actually happened, sir. So that a Mexican who was an electrician, a mechanic, or a plumber didn't have a ghost of a chance to get in there unless he wanted to work as a gardener, a yardman, or a laborer. But even in those three categories of employment, Mr. Chairman, the agreement—and it was a written agreement, and I have a copy of it——

Senator CHAVEZ (interposing). You say you have a copy of that?

Mr. PERALES. I am sure I do. I may have left it in San Antonio, but I can get it.

Senator CHAVEZ. I would like to see it.

Mr. PERALES. Very well; I will furnish you with a copy.

But even in those three categories, Mr. Chairman, the agreement was that the Mexican laborer or yardman or gardener was to receive less pay than the Anglo-American laborer or yardman or gardener——

Senator CHAVEZ. When they were referring to Mexican labor, that Mexican laborer could have been a citizen of the United States who had been in continental United States, and possibly in Texas, longer than the fellow who made the agreement?

Mr. PERALES. Yes, sir; and it was broad enough to cover any worker of Spanish or Mexican descent, regardless of what country he was a citizen of.

Senator CHAVEZ. It might have included the descendants of some of the boys of Mexican extraction who died at the Alamo?

Mr. PERALES. Yes; exactly.

Senator CHAVEZ. Of course, there were some Mexican-Texans who died at the Alamo, too.

Mr. PERALES. Quite a number.

Senator CHAVEZ. With Bowie and with Travis?

Mr. PERALES. Yes.

Senator CHAVEZ. And nevertheless the descendants of some of those boys who fought for Texas' independence were subjected to this type of contract?

Mr. PERALES. Yes, sir.

Now that was in the year 1942. The Fair Employment Practices Committee came into being, as I remember it, around about July or August of 1943, and just as soon as that Committee got into action we made it our business to see that the Committee had plenty of work, and we sent them a lot of complaints, and I am happy to report that the situation is greatly improved, thanks to the President's Committee on Fair Employment Practices.

The Shell Oil Co., for example—and I say this to illustrate the value of the persuasive method—had the matter taken up with them by the Fair Employment Practices Committee as soon as the committee came into being. They talked and talked with them, they negotiated for a year and a half, and they got nowhere until the Fair Employment Practices Committee had to threaten them with a public hearing, and even then they wouldn't give up.

So they had the public hearing in Houston, Tex., on December 28, 1944. Because I am interested in the problem, I made it my business to be there. Well everybody got ready for the big case. The Shell Oil Co.'s battery of lawyers appeared on the scene, and the Fair Employment Practices Committee appeared with a battery of lawyers and others who were just as good and perhaps knew more about the matter than the lawyers. And just as they were going into the actual trial of the case, the Shell Oil Co. asked for a private hearing. They didn't want it public, because, they said: "We believe we can get together; we are beginning to see the light of reason."

So they had the private hearings, much to the disappointment of those of us who had gone all the way from San Antonio to be in on the kill. And after a few days' negotiation the Shell Oil Co. agreed to a directive proposed by the Committee on Fair Employment Practices. The directive was issued by the proper authorities in Washington, and the situation there is remedied; the problem has been solved.

As I say, the situation is greatly remedied, also, thanks to the F. E. P. C., at Kelly Field.

Now at this time, Mr. Chairman, I should like to state that I am not on the pay roll of the Fair Employment Practices Committee; I have no connection whatever with them. I am here stating these facts because it is only fair——

Senator CHAVEZ (interposing). Well, most of the witnesses who have appeared before this committee are outside of the F. E. P. C.

Mr. PERALES. I see—the same as the speaker?

Senator CHAVEZ. Yes.

Mr. PERALES. In fact, I have come here at my own expense, sir.

Now, Mr. Chairman, I believe that in order to get a good picture of this problem we ought to touch very lightly, briefly, on the various aspects of the discrimination problem, because, sir, it is our honest conviction that this problem is of the utmost importance; and next to the war in which we are now engaged, it is our considered opinion that it is the gravest problem facing our Nation today, and it calls for action by our National Congress now, for tomorrow may be too late.

The discriminatory situation in Texas is truly a disgrace to our Nation. Mexicans, regardless of citizenship—and, for that matter, citizens of Honduras, Venezuela, Colombia, Argentina, and the other republics, have been humiliated merely because they happened to be of Spanish or Mexican descent, time and again.

I have compiled here, Mr. Chairman, a list of 150 towns and cities in Texas where there exist from 1 to 10 public places of business and amusement, where Mexicans are denied service, or entrance. I have here the name of the city or town, the name of the place—that is the name of the establishment—and the name of the owner. In nearly every town and city in Texas the Mexican children are segregated from the Anglo-Saxon children in the public schools. In nearly every town and city in Texas there are residential districts where Mexicans are not permitted to reside, regardless of their social position. The purpose, Mr. Chairman, has been to keep the Mexican at arm's length and to treat him as an inferior.

Senator CHAVEZ. Possibly you had better give that list to some of the boys who are going to San Francisco. [Laughter.]

Mr. PERALES. I will.

Senator CHAVEZ. That list may be filed with this committee, Mr. Perales.

(The list referred to will be found on file with the committee.)

Mr. PERALES. The same situation exists, Mr. Chairman, in the States of Arizona, Colorado, California, and I am sorry to say, in a part of New Mexico.

Now soldiers of Mexican descent, members of the United States Navy—their medals, their Purple Heart, their uniform, make no difference. They too are victimized, they are the victims of these Nazi tactics.

THE STATE OF TEXAS,
County of Bexar:

Before me, the undersigned authority, on this day personally appeared Jose Alvarez Fuentes, seaman, second class, United States Navy, Pvt. Joe D. Salas, Army Serial No. 38557190, Company B, Sixty-fifth Battalion M. R. T. C., United States Army, and Pvt. Paul R. Ramos, Army Serial No. 38557007, Company B, Sixty-fifth Battalion, M. R. T. C., United States Army, who being by me duly sworn upon oath depose and say:

Our names are Jose Alvarez Fuentes, Joe D. Salas, and Paul R. Ramos. We are members of the armed forces of the United States as above indicated. We are permanent residents of the city of San Antonio, Tex., but are temporarily residing elsewhere. We are now on furlough. On Tuesday, March 7, 1944, about 2:30 p. m., when we were on our way home the bus stopped at Fredericksburg, Tex.——

Senator CHAVEZ (interposing). Where?

Mr. PERALES. Fredericksburg—the home of Admiral Nimitz. [Continuing:]

We were hungry and, therefore, we went into the Downtown Cafe, at 323 East Main Street, Fredericksburg, to order something to eat. We sat on stools at the counter. There were two waitresses in the restaurant, but neither one waited on us. One of them went and told the manager or proprietor that we were there. He came to where we were and Seaman Jose Alvarez Fuentes told him that he wanted a barbecue sandwich. The manager or proprietor said, "I am sorry, but I cannot serve you in front; you will have to go out and around to the rear." Seaman Alvarez Fuentes asked him why and he said: "Those are the orders." Whereupon we left the place. Seaman Juan Garcia, United States Navy, was also with us at the time. He lives in San Antonio, Tex., and he too was on his way home on a furlough.

Then the next one:

THE STATE OF TEXAS,
County of Bexar.

Before me, the undersigned authority in and for said county, State of Texas, this day personally came and appeared Alejo Lara to me well known, and who, after being by me duly sworn, did depose and say:

My name is Alejo Lara. I am 45 years of age and a native-born citizen of the United States of America. I reside at Ozona, Crockett County, Tex.

On or about August 16, 1944, Pvt. Tomas Garza, United States Army, who was born and reared in Ozona, Tex., went to the Ozona Drug Store, at Ozona, Tex. I accompanied him. Private Garza sat at the counter and ordered a Coca-Cola. An Anglo-American lady told Private Garza that she was sorry, but that she could not sell refreshments to Mexicans. Then Private Garza asked her why she would not sell to him, that his money was just as good as anybody else's and, furthermore, he was a soldier. The lady replied that all that did not make any difference. A watchman named Fleetcoats happened to be there drinking a refreshment and he got up and told me to tell Private Garza to leave the drug store. I told the watchman for him to tell Garza, that perhaps he had more authority than I. Whereupon the watchman said to Garza: "You had better leave here at once". Just then Sheriff Frank James arrived, pistol in hand, and ordered Private Garza to leave the drug store immediately. Then Garza started to leave, but as he did so he told Sheriff James that he was going to report the case to his captain in order that the latter might come and have the place closed.

Sheriff James told Garza to go ahead and tell the captain. Private Garza went to the telephone office to call his captain and when he arrived he placed the call, but the telephone operator refused to make the connection for him. Private Garza was wearing the United States uniform at the time.

About 4 months ago Pvt. Arturo Ramirez, United States Army, went to the same drug store accompanied by his wife, and ordered some refreshments, but they refused to sell same to them merely because they were of Mexican descent. Private Ramirez was killed in action in France about July 10, 1944.

Imagine the disappointment this soldier of ours must have felt, knowing that his wife had been denied the sale of a refreshment in a drug store in his home State of Texas, and yet there he was giving his life, the last measure of devotion, in order, according to the theory of the Nazi-minded, that that owner of the drug store might be here free, safe, secure, that he might have the privilege of denying such boys as Ramirez a Coca-Cola because they happened to be of Mexican descent.

I have an affidavit here referring to the same incident, but it adds one important fact, and that is that this Sheriff James was the one that went and ordered the telephone operator not to make the connection for the soldier so that the soldier could not speak with his captain.

I have some more about soldiers here, but I am not going to bore the committee with reading them.

Senator CHAVEZ. I wish you would file them with the committee.

Mr. PERALES. I will, sir.

Senator CHAVEZ. Are they certified; are they taken before notaries public?

Mr. PERALES. Yes, sir.

(The affidavits referred to will be found on file with the committee.)

Senator CHAVEZ. Then you feel that a bill like this bill, S. 101, is a good thing?

Mr. PERALES. It is indispensable, sir.

Now it has been said, Mr. Chairman, that men who, like the speaker, are constantly pointing out these blunders on the part of certain citizenry of ours, are agitators. I have not lost a bit of sleep over the accusation, sir. But for the record I should like to quote very briefly two or three words from each man that I am going to refer to, of other extractions, as to how they feel about this shameful situation.

Before I do that I would just like to quote very briefly here what happened in San Antonio, in regard to the housing situation. This was published in the San Antonio Light:

Anthony van Tuyl, director of the War Housing Center in the Municipal Auditorium, said he had 306 listings of apartments for rent, but that not one of the apartments could be rented to Latin-Americans or Negroes who are supplying thousands of workers for local fields and camps.

Senator CHAVEZ. Who was that person?

Mr. PERALES. Anthony van Tuyl, director of the War Housing Center in the Municipal Auditorium at San Antonio, Tex. He went on to explain, sir, that the owners of these 306 apartments had so requested him that he should not offer them to Latin-Americans or Negroes.

Senator CHAVEZ. They were private homes?

Mr. PERALES. Presumably, sir, and apartment homes.

Senator CHAVEZ. Well, they weren't governmentally owned?

Mr. PERALES. That is right.

Here is the case of a man who sent a long telegram from McCamey, Tex. His name is Casillas. He says that he works in McCamey but in order to get a haircut he has to travel 45 miles to Fort Stockton, because there is no barder shop in McCamey that would cut his hair. There are no Mexican barber shops there, only American barber shops.

Senator CHAVEZ. And he has to go to Fort Stockton?

Mr. PERALES. Yes.

Senator CHAVEZ. I understood that was just as bad.

Mr. PERALES. He probably found a Mexican barber shop there. By the way, Fort Stockton is also on my list of 150 cities and towns in Texas which I filed with the committee. Yes; it is just as bad.

At Big Springs the public sentiment against the Mexicans apparently went so far as to influence the commanding officer of an Army field there to cause a sign to be erected at the field saying, "Any soldier who considers himself white shall not go into the Mexican district of Big Springs, Tex."

I have two additional affidavits that I am going to file with the committee with your permission.

One of them refers to a Fourth of July celebration at Lockhart, Tex., where they roped off several blocks for dancing purposes, and some of the citizens of Mexican descent went there, since they had heard so much about the good-neighbor policy, and they thought they would join their Anglo-American neighbors in celebrating the Fourth of July.

Well, somebody got up, who was acting as master of ceremonies, and made the following announcement:

"I have been asked to make this announcement: That all Spanish people gathered here must leave the block." (This part of the announcement was received with many cheers and hurrahs by the people of Anglo-American extraction). "Since this is an American celebration," the speaker went on to say, "it is for the white people only." (This other part of the announcement was likewise received with great applause and hurrahs on the part of the Anglo-Americans.)

That is a good way to promote the good-neighbor policy.

Senator CHAVEZ. Our time is getting short, Mr. Perales. Of course those matters that you are discussing now are most interesting but they do not have to do with the meat of the legislation that we have in mind at the moment.

Mr. PERALES. That is correct, but it shows the broad picture.

Senator CHAVEZ. That is true, but I wish you would devote a little more time to the proposition of Senate bills 101 and 459, and you may file all of that with the committee. But we would like to save a little time because time is getting short, it is getting late, and we want to close this afternoon, and there are still several witnesses to be heard.

Mr. PERALES. Yes, sir. I would like to file that affidavit with the committee and also one covering a similar situation at Poteet, Tex., during an Armistice Day celebration.

Senator CHAVEZ. That may be done.

(The affidavits will be found in the files of the committee.)

Mr. PERALES. Now I am just about to close. But, Mr. Chairman, would you object to my reading one paragraph from a statement made by the Archbishop of San Antonio regarding the situation, both economic and otherwise?

Senator CHAVEZ. No; I wouldn't object to that.

Mr. PERALES. This is an extract from an address delivered by His Excellency, the Most Reverend Robert E. Lucey, archbishop of San Antonio. The title is, "Are We Good Neighbors."

This is the story of a large minority group in the United States, our Latin-American brothers, generous and warm-hearted, simple, charming, and lovable yet segregated, persecuted, and submerged. It is the story of many Anglo-Americans who have shown stupidity, ignorance, and malice in treating their Mexican brethren with injustice, discrimination, and disdain. It is not a lovely story; it is profoundly disturbing because it tells of poverty and tragedy, of disease, delinquency and death.

During the past quarter of a century many good citizens of our country sincerely believed that the race question might well be let alone to work itself out to a happy conclusion by the slow, sure formula of peaceful evolution and patient progress. It was a comfortable philosophy and if not very hopeful to the minority groups it largely satisfied the master race.

But the present world-wide and devastating conflict has disturbed peaceful consciences, opened unseeing eyes, and posed stubborn questions that simply will not be downed without direct and adequate answers. Some of these questions sound like this: Why did the Burmese natives refuse to fight for England? What truth is there in the Japanese contention that the white races despise the yellow men? Can we keep our self-respect if we demand that the colored American fight for freedom in Africa and deny him freedom at home? Can we make the Western Hemisphere a bulwark of liberty and law while we maim and mangle Mexican youth in the streets of our cities? Can we condemn our Latin-Americans to starvation wages, bad housing, and tuberculosis and then expect them to be strong, robust soldiers of Uncle Sam? Can we tell our Spanish-speaking soldiers that dishonorable discharge from the Army will deprive them of civil rights when they never had any civil rights? In a word, can we, the greatest Nation on earth, assume the moral leadership of the world when race riots and murder, political crimes and economic injustices disgrace the very name of America?

These sharp questions are getting under the skin of every decent American and all are agreed that something has got to be done about it.

The Honorable Sumner Wells, former Under Secretary of State, writing recently about this situation, said:

The visit of President Roosevelt to Mexico last April, and the visit paid by President Avila Camacho to this country, immediately thereafter, signalized the commencement of a new epoch in Mexican-American understanding.

But no such relationship as that which the vast majority of people of both countries desires to see built up can long continue if unfair, humiliating and wounding discriminations are practiced by communities in either nation against nationals of the neighboring country.

Discriminations of this character inevitably cut deep. They create lasting resentments which no eloquent speeches by Government officials, nor governmental policies, however, wise, can ever hope to remove. They exist only in a few places. They are regarded as detestable, and as wholly un-American, by every thinking United States citizen. But so long as they continue anywhere in the United States they are bound to undermine the foundations which the two Governments have laid for those cooperative ties which are so greatly to the interest of both countries, and they will, in the wider sense, impair that inter-American relationship which is today more necessary than ever before. Unless these discriminations are obliterated, and obliterated soon, the term "good-neighbor policy" will lose much of its real meaning.

Now, Mr. Chairman, I notice that you asked some of the previous speakers, at least one or two, what in their judgment was the reaction of the people from Mexico regarding this problem. Well, sir, I am happy to have here the reaction of the Mexican press, which I think reflects public opinion in Mexico, referring to the Spears bill. We have a bill, sir, pending before the Texas State Legislature now, unfortunately it doesn't include a F. E. P. C.; we tried to get it in there, but whoever was in charge of it in the senate, where the bill originated, omitted the F. E. P. C. provision, and limited it only

to the social phase of discrimination—but this is how Fraternidad, the official organ of the Comite Mexicano Contra el Racismo, of Mexico—a strong committee fighting racism and fighting discrimination—puts it, in an editorial dated February 1, 1945.

The antidiscrimination bill presented by Senator J. Franklin Spears before the Senate of the State of Texas is one of the most important bills that will come before the Texas legislators during the session that began more than a month ago.

The interest which the presentation of such a bill involves is not only local, it is not something that concerns only the population of Texas, nor only the Mexicans and Latin-Americans by birth or origin residing in that State. Its importance is of national North American and continental scope.

* * * * * * *

On the other hand, public opinion in our Latin countries would see in the approval of the Spears bill strong proof that the legislators of Texas know how to interpret the sentiment of the majority of the North American people and understand the spirit of the good-neighbor policy, which would contribute, in a larger measure than many other acts of collaboration, to reaffirm the basis of a true and genuine continental friendship.

In Mexico there exists the conviction that the great North American masses do not harbor any racial sentiment and that they repudiate the theory of the superiority of one race over another, which has made so many victims—especially among the Jews—in Europe. Likewise, public opinion in Mexico applauds the efforts of President Roosevelt to broaden the basis of North American democracy, which must necessarily include the abolition of discriminatory acts against racial minorities. But Mexico knows that it is not sufficient to live persuaded of these positive realities, but rather prefer deeds that will put an end to the painful situation of many of our compatriots in the southern section of the United States, which has prevented a complete understanding and a frank friendship between the people of Mexico and the people of the United States.

This shows that while the governments of the Americas are united now, the peoples of the Americas, Mr. Chairman, are not united and never will be until discrimination is ended in the United States once and for all time to come.

Now a newspaperman, referring to the conference of foreign ministers—Mr. Chairman, you referred to the conference that is to take place in San Francisco in the near future—well, this conference took place in Mexico City. Every effort was made to interest the foreign ministers of these various republics, beginning with our Secretary of State Stettinius to enter into an agreement, international agreement, designed to abolish discrimination in all its phases in the Western Hemisphere.

This is an extract from an editorial which appeared in La Prensa, of San Antonio, Tex., on February 21, 1945, and is from an article by M. J. Montiel Olvera, one of Mexico's outstanding newspapermen, writing recently from Mexico City in an article entitled, "The Approaching Conference of Foreign Ministers and Racial Discrimination."

We do not understand how it is possible for such cordial friendship to exist from country to country, nor for our contribution to the war effort to be overestimated, at the same time that our fellow-citizens in certain sections of the North American Union are segregated as though they were afflicted with leprosy.

We do not understand the attitude of those who deny to the good neighbor admission to a restaurant, a theater, or a church, after said neighbor has offered his blood in the fields of battle against nazi-ism and nipponism.

We do know that on the one hand there is the most cordial attitude on the part of the American Government toward our Government and our people, and on the other hand there is the different, diametrically opposed and positively adverse attitude of the private citizens of that Republic.

While I am at it, without reading it, I should like to have incorporated this additional statement, an extract from an editorial in a Mexican newspaper, Novedades, dated January 12, 1945, entitled, "In the Interest of Good Neighborliness."

Senator CHAVEZ. That may be made part of the record.

(The editorial referred to is as follows:)

EXTRACT FROM AN EDITORIAL IN NOVEDADES, MEXICO D. F., DATED JANUARY 12, 1945, IN THE INTEREST OF GOOD NEIGHBORLINESS

We have never been satisfied with the sporadic recommendations made by various authorities or private institutions in the sense that an effort be made not to humiliate the Mexican and men belonging to that same race. We have very much appreciated such gestures because we understand the magnificent intention which inspires them, but we have not been able to see in them any effective force when it comes to the atmosphere in which there seems to exist the conviction that a hostile spirit to things pertaining to us must be maintained as if it were a matter of a social physionomical characteristic of vital importance. We have contended that it is necessary that these recommendations be taken into consideration as human premises for something else; that is, of something that will have to be heeded as an imposed obligation. In other words, we have striven for the creation of antidiscriminatory legal provisions, with all the characteristics of positive norms, including penalties for those who refuse to observe them. This is what can be done in Texas.

Withal, this moment we witness the most important phenomena, perhaps, in the history of our relations with the United States. We have been living in a climate of official understanding between the two Governments, with basis which do not fit precisely in the legal texts, but in principles of cooperation, of continental solidarity, of mutual aid and good will. Should the antidiscrimination law encounter unsurmountable legal obstacles, perhaps it could be based upon those principles * * *. It will have to be that way, sooner or later, because it is not possible indefinitely to perpetuate errors against which a strong propaganda has been launched.

Mr. PERALES. So much for Mexican public opinion, Mr. Chairman, which I think is something to be taken very much into consideration by our country if we want to continue to have the support and cooperation of those people, those 130,000,000 people south of the border, in time of peace.

Senator CHAVEZ. I think that is extremely important in the development of the theory of the bill and the justification for the bill, but if you don't mind, if you have some other things to insert, just give them to the reporter and I would like to have you limit yourself as much as possible to what we have here under consideration.

Mr. PERALES. I have a written statement, a summary of what I have said, Mr. Chairman, as to what the people of Mexico and the other countries think of our way of dealing with the people of Mexican descent here. However, I will not read it but would like to have that inserted in the record.

Senator CHAVEZ. We would be glad to have that inserted in the record.

(The document referred to is as follows:)

STATEMENT OF ALONSO S. PERALES, LAWYER, SAN ANTONIO, TEX., BEFORE THE SENATE COMMITTEE ON LABOR AND EDUCATION, IN THE HEARINGS HELD MARCH 13, 1945, ON BILLS S. 101 AND S. 459, TO PROHIBIT DISCRIMINATION BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, OR ANCESTRY

We, and you, have heard again and again that progress against discrimination must be gradual and only by voluntary cooperation and education. But we, in Texas, and in the entire Southwest, and on the west coast, have been trying to make progress against discrimination for 25 years, ever since the end of the last

World War, by means of cooperation and education, with no results. We, American citizens of Mexican extraction, variously designated as Spanish-Americans, Latin-Americans, Mexican-Americans, some 3,000,000 in Texas and the Southwest, find that our efforts to eliminate discrimination by mutual cooperation and education, have accomplished nothing. We are discriminated against more widely today than 25 years ago—socially, politically, economically, and educationally. American citizens of Mexican extraction, whether in uniform or in civilian attire, are not allowed in public places, cannot buy food or clothes except in certain designated areas, cannot secure employment in any industry except as common or semi-skilled labor, cannot receive the same wages as other Americans in the same area, because of the widely held theory that a Mexican does not need as much to live. There are the conditions that exist today after 25 years of patient effort to eradicate discrimination by mutual cooperation and education.

We are convinced that legislation is the only solution to the problem today—legislation with effective powers of enforcement and not merely a pronouncement of pious good intentions. Those who claim that education is the solution ignore the fact that legislaton has a powerful educative effect. What little progress has been made in securing for the Mexican-Americans equal economic opportunities for employment and promotion in the last 18 months can be traced directly to no other factor than Executive Order 9346, which set up a temporary war agency known as the Fair Employment Practice Committee. This war agency has done more in 18 months toward removing discrimination against Mexican-Americans in war and essential industries than all the educational efforts of various private and governmental agencies in the last 20 years, including the Coordinator's Office for Inter-American Affairs.

We, the American citizens of Mexican extraction in the Southwest, are firmly convinced that it is time for the Government of the United States to go unequivocally on record in support of the doctrine that all Americans have an equal right to jobs. The passage of Senate bill 101, to establish a permanent Fair Employment Practice Commission, is essential, in our opinion, to the preservation of American democracy. It, and it alone, will guarantee to every American citizen, regardless of race, creed, color, national origin, or ancestry, his rights to equal opportunities for employment, promotion in industry, and to earn a decent living.

If we want to prevent the sad spectacle of human misery and suffering that followed the last World War, if we want to prevent Pachuco riots (California and Colorado), Sleepy Lagoon cases (California), Leveland mock trials (Texas), and economic strife in the post-war era, which is almost at hand, if we want to build for an enduring peace at home and abroad, we need to take steps now to remove all possibilities for a continuation of economic discrimination by the passage of a bill such as you are considering today. Would to God it eradicated all forms of discrimination.

Mr. PERALES. If you will permit me, I would like to quote one little paragraph—and I am not going to leave this letter because I treasure it highly—to show how our Mexican-American soldiers feel about this thing—the ones who are in the trenches right now, fighting for democracy.

This young man, Mr. Chairman, prepared for the Diplomatic Service of the United States. He graduated from the University of Texas, took the examination for the Foreign Service offered by the United States Department of State, and was awaiting his assignment when he was drafted into the United States Army. He served as a buck private for over a year and took part in the invasion of Normandy. He is a first lieutenant, by the way, now. Here is what he has to say:

When I think of the men left dead on the beaches I wonder if the people at home understand their tremendous sacrifice. I wonder particularly if those who are charged with the responsibility of framing the peace to come fully realize the cost of victory. I pray that when the fighting is all done our boys can go back with the utmost assurance that they can live and work in peace and that America still remains the symbol of liberty, justice, and freedom. I have sworn that if ever the combatants of this war are cheated of the things they risked their lives for, and for which thousands of their comrades gave their lives, I shall take the stump loud and strong and shall not cease in my condemnation of such fraud.

With these words, Mr. Chairman, I say again thank you for having invited us, and we sincerely hope that your committee will approve Senator bill 101 because it has faith in it, and it will undoubtedly make the Mexican-American feel more secure.

Senator CHAVEZ. Well, if we ever get through with the hearings we will report the bill out. [Laughter.]

Mr. PERALES. It will strengthen his faith in our American form of government and our institutions.

Senator CHAVEZ. Thank you.

Mr. Wasserman, will you kindly come forward and identify yourself for the record?

STATEMENT OF WILLIAM STIX WASSERMAN, INVESTMENT BANKER, PHILADELPHIA, PA.

Mr. WASSERMAN. My name is William Stix Wasserman, and I am engaged in the investment banking business in Philadelphia. I served the Government during the war as lend-lease commissioner in Australia and as chief executive officer in the Department of Economic Warfare.

My purpose in appearing before you is to support the passage of Senate bill 101 with its enforcement powers, because its enactment would be an aid and a weapon for businessmen of good will and social conscience throughout the country who need a law to wipe out pernicious hiring policies in their own plants.

The so-called freedom to operate business for which one shoulders all or part of the responsibility of management is a very limited thing today. It is a profound mistake to believe we businessmen can do as we please, or even that we dream we should have the right to do just as we please. From minimum-wage and maximum-hour laws, child-labor laws, regulations issued by the Securities and Exchange Commission, safety regulations of many kinds, to regulations issued by O. P. A., W. P. B., N. L. R. B., and the rest of the alphabetical range, we move in narrow permissive areas. In fact, batteries of attorneys are retained by business firms to clearly advise what we may do and how we may do it without running afoul of the law. These limitations are laid upon us by the Congress and the local governments in order to protect the welfare of the many. Businessmen have accepted these proscriptions for the most part because they know that without community and national well-being the business world itself suffers.

But, there is another fence against which many businessmen chafe helplessly. And that is the one propped up by the unwritten laws of prejudice. In many cases it is not possible, and in many more at least extremely difficult, to wipe out discriminatory hiring practices in plants in which you share control by a signed memorandum. These are days of complex business operations coupled with acute labor shortages in many areas, and management bows to the frequent prejudices and mediocre talents of employees in high and low positions. The threat of walk-outs, even in small groups, is a major consideration especially when supplies for our troops are in question.

I may say that I am a part owner of a small shipyard in Philadelphia. I was very anxious to get some colored people to work in

that yard. Most of our help came from the southern or southeastern shore of Maryland. I was told by the management that if I pressed my demands for the employment of colored people they would have a strike on their hands. I feel quite certain that if we had had a law with teeth in it, which would have made it illegal for the unions to call a strike in that plant on that account, we could have had our quota of necessary colored help.

The hobble fastened by the unwritten law of prejudice and bigotry is a suffocating thing. It outrages the right-thinking businessman's sense of justice. But I know of instances where hard-fought attempts to break away have failed because it amounts to forcing one's ideas upon peoples whose prejudices have been unquestioned since their childhood. And what about the employer who has signed a closed-shop agreement with a powerful union which itself practices discrimination?

I feel absolutely confident that if S. 101 is passed, and the employer has the sanctity of the law to stand behind him, that he will be able to end discrmination in 9 cases out of 10 in his own plant.

I know of businessmen who have felt the impact of the President's Order No. 8802 to excellent effect in their plants. They report in many instances a better supply of manpower, better understanding between the various racial and religious groups, and a deep sense of satisfaction in seeing workers of these varying backgrounds and creeds working together in harmony. But I know of many another businessman who has been effectively stymied in his attempts to change hiring practices because he has been challenged with a "what can they do to you?" attitude. The present F. E. P. C., with its occasional use of sanctions exercised through the President's war powers, is not enough. In the post-war period and in areas of nonwar production that does not exist and will not exist at all unless S. 101 is passed. I know businessmen of substance who would welcome legal authority to back up their own decent instincts.

I want to close this very brief statement of mine by reading a paragraph out of a speech by Mr. Eric Johnson, which I think pertains to what is being said here. Mr. Johnson goes on to say:

> The withholding of jobs and business opportunities from some people does not make more jobs and business opportunities for others. Such a policy merely tends to drag down the whole economic level. You can't sell an electric refrigerator to a family that can't afford electricity. Perpetuating poverty for some merely guarantees stagnation for all. True economic progress demands that the whole Nation move forward at the same time. It demands that all artificial barriers erected by ignorance and intolerance be removed. To put it in the simplest terms, we are all in business together. Intolerance is a species of boycott and any business or job boycott is a cancer in the economic body of the Nation. I repeat, intolerance is destructive; prejudice produces no wealth; discrimination is a fool's economy.

Thank you, sir, for letting me appear.

Senator CHAVEZ. I want to thank you very, very much, Mr. Wasserman.

We are going to have a recess for 10 minutes, and we will then conclude with Mr. Ross.

(Whereupon a 10-minute recess was taken.)

Senator CHAVEZ. Before we resume, I might state that anyone who has a statement which they desire to file with the committee will please give it to the reporter now.

Mr. MARSHALL. I am presenting one on behalf of the National Federation for Constitutional Liberties.

Mr. SHELDON. And I am presenting one for the New York Metropolitan Council on Fair Employment Practice.

Senator CHAVEZ. Thank you. They will both be incorporated in the record of these proceedings.

(The documents referred to are as follows:)

STATEMENT BY PROF. JAMES H. SHELDON, CHAIRMAN, NEW YORK METROPOLITAN COUNCIL ON FAIR EMPLOYMENT PRACTICE, NEW YORK, N. Y.

Mr. Chairman, I am appearing here on behalf of the New York Metropolitan Council on Fair Employment Practice, which consists of approximately 60 leading agencies, representing Protestant, Catholic, Jewish, Negro, labor, interfaith and civic organizations concerned with employment or placement problems in the greater New York area. The organizations comprising the council are strongly and unanimously behind Senate bill 101 for the creation of a permanent Federal Fair Employment Practice Commission to prevent discrimination in employment because of race, creed, color, national origin, or ancestry.

On September 7, last year, I appeared before your committee on this same subject and made a rather extended statement, which was printed in the proceedings of your committee for the last Congress, and I do not want to take up your time today by repeating the argument which I made on that occasion. The state of affairs which I set forth last fall continues today, and the arguments are all the same, except that time has perhaps strengthened them.

I want, however, to reaffirm the simple fact that most responsible opinion in the State of New York feels that legislation of this sort is essential and must be passed at once, so as to be effective at the end of the war. It is to be emphasized that passage of this legislation now does not mean the introduction of any radical new principle. On the contrary, it merely means that we shall extend into the post-war period the principle which we have already established and tried to live up to during the war, under the leadership of the present emergency-based F. E. P. C. Let us not permit our soldiers to return home to a society from which safeguards against discrimination under which many of them worked at the time they left home have been removed. This bill does little more than perpetrate the gains already made, and its enactment is the least which our fighting men have the right to expect of us.

I want to list here some of the principal organizations which have gone on record on this matter in New York, through their affiliation with the council which I represent. Some of these groups are Greater New York Federation of Churches; American Jewish Congress; National Association for the Advancement of Colored People; Greater New York Congress of Industrial Organizations Council; Union for Democratic Action; New York Council of Church Women; Anti-Defamation League; National Federation for Constitutional Liberties; Women's Trade Union; Loyal Americans of German Descent; City-Wide Citizens' Committee on Harlem; Brotherhood of Painters, District Council 9, American Federation of Labor; New York Urban League; Jewish Occupational Council; Common Council for American Unity; Nonsectarian Anti-Nazi League; United Christian Council; Lily of the Valley Lodge 309 of the Brotherhood of Railway Car Men of America; Federation Employment Service; National Negro Congress; United Neighborhood Houses; National Council of Jewish Women; Federation of Architects, Engineers, Chemists, and Technicians; National Lawyers Guild; Transport Workers Union; Jewish People's Committee; Vocational Advisory Service for Juniors; Liberal Party; State American Labor Party; Young Men's Christian Association (various branches); Young Women's Christian Association (various branches); United Parents Associations; The Wives (wives of service men overseas); National Conference of Christians and Jews; Welfare Council of New York; various employment agencies; League of Women Shoppers; and various Italian, Spanish, Czechoslovakian, and other agencies.

There is just one other point which I want to make, because I know that you have before you a bill introduced by Senator Taft, S. 459, which is wrongly entitled "A bill to establish a Fair Employment Commission." Mr. Chairman, this bill is legislative double-talk of the worst order. One of the most mischievous of all legislative proposals is the proposal to pass statutes which are

meaningless because devoid of any enforcement machinery. I can conceive of no public attitude more cynical than that which says: "Let's pass a bill to put some comforting words on the statute book so as to please some people but let's be sure that there is no way to enforce this statute." I can think of no better way to bring the statutes and the Criminal Code of the United States into disrepute. I say, gentlemen, let us either pass Senate 101 or be honest and say that for some reason we are now going to go back on all of the promises contained in the platforms of all the major parties and pass nothing.

I have just come, Mr. Chairman, from one of the hardest fought and most illuminating legislative campaigns in the history of New York State, where we have just passed, and Governor Dewey has just signed, the Ives-Quinn Act creating a New York State agency very much along the lines laid down in Senate 101. I regret to tell you that certain elements in New York State made this same cynical proposal, to pass a bill which would be meaningless, and they were properly and finally rebuffed. Just before the matter came up for vote in the New York State Senate, a group of 31 outstanding lawyers in New York State, led by Charles Evans Hughes, Jr., joined in a flat-footed statement against this and other types of weasel-worded amendments which were then proposed by the bill's opponents in an effort to stop the tide of human progress. I want to put into the record a copy of this statement by these New York lawyers, and although the statement has to do with our local Ives-Quinn bill, the principle is exactly the same here.

Mr. Chairman, I understand that I am permitted to place various statements and editorials in the record, and rather than detain you further, I would like to submit them to you before the end of this week, because I believe that the experience of New York State may be useful to you. As a result of our recent discussion of this issue, the assembly voted by the overwhelming majority of 109 to 32 in favor of passing legislation along lines similar to S. 101. A few days later, the Senate passed the same legislation by an overwhelming vote of 49 to 6. I hope, Mr. Chairman, that when this matter comes before the Congress and Senate of the United States, it will be passed by an equally decisive majority, and that we may thus write into the laws of our whole Nation this legislation which the Governor of New York has properly described as "one of the great social advances of our time," and which the President of the United States has initiated as one of the major steps of progress achieved by America under the terrible stress of this war for a better world.

MARCH 13, 1945.

STATEMENT OF GEORGE MARSHALL, CHAIRMAN, NATIONAL FEDERATION FOR CONSTITUTIONAL LIBERTIES IN SUPPORT OF THE PASSAGE OF S. 101 FOR A PERMANENT FAIR EMPLOYMENT PRACTICES COMMISSION

(The National Federation for Constitutional Liberties is a national civil-rights organization having the cooperation of professional, church, trade union, farm, Negro, Jewish, and other civic organizations and leaders in some 46 States.)

The National Federation for Constitutional Liberties believes that the prompt passage of S. 101 is essential both to guarantee the objectives for which the war is being fought and to help assure a smooth transition from war production to full peacetime production.

We believe that this bill to establish a strong permanent Fair Employment Practices Commission is an essential reconversion and post-war measure. May we urge, therefore, that it be given a high priority on the Senate Calendar in order to assure that the strengthened and permanent Fair Employment Practices Commission, as created by this bill, be functioning before the war in Europe ends and the reconversion period gets into full swing.

The transition from war to peacetime employment will cause certain tensions in relation to various racial and religious groups resulting from the process of reemployment, reclassifying occupations and migrations from one part of the country to another. These tensions may result in discrimination or even violent outbreaks against minority groups unless there is an effective apparatus to swiftly and effectively handle all situations where discrimination in employment is practiced.

Discrimination in employment cannot be brushed aside as a secondary question just affecting a few minorities. We must constantly bear in mind that a majority of Americans belong to minority groups. Fifty-seven percent of the total population of our country are Negroes, members of other minority races, Jews,

Catholics, foreign-born, or persons having at least one foreign-born parent. Each of these groups has been seriously discriminated against in employment in various parts of the country. Discrimination against any person because of his race, creed, color, national origin, or ancestry undermines the whole fabric of our democracy.

Education alone cannot solve the problems of discrimination in employment any more than education alone can solve the problems of forgery, tax-evasion, or unfair labor practices. In each of these fields, legislation providing for effective enforcement agencies has been found necessary. Education and community activity must be a part of any campaign against discrimination in employment; but they must be supplemented by the continuous functioning of an agency which specializes in these problems and which has the power of enforcement where persuasion fails.

Prejudice, custom, and timidity must be overcome if progress against discrimination is to be rapid enough to assure interracial and interfaith unity in winning the war and in building a firm peace. Disastrous results will follow if this is left to chance, to long-time educational processes, or perpetual investigations.

The various dangers which our country face, unless discrimination in employment is rapidly terminated, are especially critical because discrimination at this time in world history is dynamic. Discrimination is not only a manifestation of undemocratic practices which are hold-overs from the past. Discrimination has been a major technique in Hitler's drive for world power. It is the life blood of nazism and of all its Fascist allies and sympathizers both abroad and in our own country.

Unfortunately, a considerable number of individuals and groups in our country have been playing Hitler's game by actively spreading the doctrine of race hatred for the purpose of fomenting racial and religious discrimination and cleavages. Some of these individuals and groups are now under Federal indictment for sedition. It is therefore fantastic to suppose that discrimination in employment can be terminated by education alone or even by investigation and persuasion.

The proposals of S. 459, introduced by Senator Taft, are wholly inadequate to meet these serious problems before us. This bill is nothing but a demagogic sham. It utterly fails to provide any apparatus for handling specific cases of discrimination in employment. It provides for a commission without powers to deal with the problem at hand. It merely establishes another fact-finding agency.

Another investigation of discrimination is unnecessary at this time. An effective administrative agency is necessary with powers to act. Libraries are full of investigations of race relations, including the recent several-million-dollar study of the Carnegie Corporation under the directorship of Dr. Gunnar Myrdal. A proposal for more investigation at this time without a program and apparatus for action is merely to evade the issue. It is tantamount to opposing the creation of an effective Fair Employment Practice Commission.

A law with good firm teeth is essential. An agency must be created with an adequate administrative set-up and with powers of enforcement. This is the position taken by all who seriously wish to terminate discrimination in employment. It is the position taken by the leadership of both the Democratic and Republican Parties who pledged, in the election campaign last fall, that they would work for the passage of the legislation for a permanent Fair Employment Practice Commission.

S. 101 affords a carefully considered, effective apparatus for this purpose. It was based on the experience of the excellent work of the limited President's Committee on Fair Employment Practice, and on the successful administrative experience of the National Labor Relations Board.

Legislation substantially the same as S. 101, providing for a permanent Fair Employment Practice Commission with powers to enforce its decisions, was carefully considered at both House and Senate hearings toward the end of the last session of Congress. The House Committee on Labor, both this year and last, reported this legislation favorably, as did also the Senate Committee on Education and Labor last year. Both at the hearings last year and at the current hearings before the Senate, there has been overwhelming support for this measure from every section of our country, from all major racial and religious groups, and from every major occupational group.

There was a similar outpouring of strong popular support from all sections of the population at the recent hearings before the joint legislative committee in New York State, held prior to the overwhelming passage by the New York

State Legislature of the Ives-Quinn bill for a State commission against discrimination. The growing sentiment for legislation of this type is also indicated by the six or seven other States which are considering similar measures. We believe it to be essential and in keeping with this growing sentiment throughout the country and with the election pledges of both the Democratic and Republican Parties, that S. 101, providing for a strong Federal agency to abolish discrimination in employment in the wide area of interstate commerce and of Government employment and contracting, be passed without further delay.

May we urge your prompt, favorable action on this necessary wartime, reconversion and peacetime bill.

Senator CHAVEZ. Now Mr. Ross, we are ready to hear from you.

STATEMENT OF MALCOLM ROSS, CHAIRMAN, FAIR EMPLOYMENT PRACTICE COMMITTEE

Mr. Ross. My name is Malcolm Ross, Chairman of the Fair Employment Practice Committee.

Mr. Chairman, I have a statement which I would like permission to file with the committee.

Senator CHAVEZ. We will be glad to receive it, sir, and it will be inserted in the record in full at the conclusion of your oral remarks.

Mr. Ross. I will have to say that I did not have advance notice so that I had sufficient time for a formal clearance of this statement with the Bureau of the Budget. However, the F. E. P. C. has been informally advised that legislation to prevent discrimination in employment because of race, color, creed, national origin, or ancestry, would not be in conflict with the program of the President. This advice should not be construed as involving any commitment as to the relationship to the program of the President of any particular bill or of any of the provisions contained in that particular bill.

Senator CHAVEZ. That is understood.

Mr. Ross. Mr. Chairman, in view of the shortness of time I will try to highlight a few of the remarks made in my formal statement.

You may be interested to know that in the last 18 months the President's Committee has closed 4,801 cases, and that 36 percent of these were satisfactory adjustments. By that I mean that in our field offices, by the method of informal negotiation, we brought employers and unions around to the point of conformity with the Executive order.

Now the authority of the F. E. P. C. stems from the President as Commander in Chief of the Army and Navy, and as President. We are not an impotent committee in authority, if you will consider the fact that it is within the framework of wartime.

Executive Order 9346 applies equally to all the agencies and departments of Government, such as the contracting agencies—War, Navy, and Maritime Commission, which must perforce include in all their contracts a nondiscriminatory clause. It is a congeries of authorities that F. E. P. C. works with; those contracting agencies, and the Federal departments being duly responsible with us, add their authority and their persuasive powers to ours. The same is true with the War Manpower Commission with whom we have a very good working arrangement.

In spite of the prestige of the President's mandate, and of the assistance from all of these other obligated agencies and contracting agencies, of the 35 formal decisions that we have issued during the last 18 months, against employers, 26 remain unsettled. Of the 10

decisions against trade unions, 9 remain not in compliance. So that the persuasive powers that we have, which settle most of our cases at the bottom, have failed at the top where you have the tough cases and the significant cases.

That is not without a parallel in the National Labor Relations Board experience, where 90 percent of their cases are settled by informal means in the field, but they have the authority of congressional powers and sanctions which sifts down to the lower levels and makes persuasion much more easily accomplished.

I call your attention to the fact that when the war is over the F. E. P. C. is out of existence. Perhaps more importantly, with the collapse of Germany, with V–E day, we will have some industries reconverting to make consumer goods. In those instances the jurisdiction of the F. E. P. C. will be whittled away so that within perhaps, we hope, a few months you will have the dilemma of war industries being still subject to Order 9346, but the reconverted industries not—I think an unhealthy situation and one that will make for very difficult compliance within war industries.

I want to refer back briefly to some of the controls the Government set up in World War I. You will remember that collective bargaining by Government fiat was established during World War I, and that in 1918 that was relaxed with immediate and very bad effects.

I can speak with some knowledge of the coal industry. You had there, in the soft coal industry I mean, a situation which I think may find its parallel in the future unless legislation is passed. The operators north of the Ohio River remained under union organization. In West Virginia and Kentucky there was no union; it was immediately wiped out when Government protection of collective bargaining went at the end of the war. And the disparity of wages between those two regions, both of them competing in the same coal markets, was such that the operators north of the Ohio tried to get the United Mine Workers to help organize south of the Ohio, in Kentucky and West Virginia. And you had there bloody strikes; you had the spectacle, in 1920, of a regiment of soldiers who had fought Germany in that war, deploying across the West Virginia hills and shooting miners.

The comparison is not absolute, but I call your attention to the fact that the recent passage of the New York State law will leave a control there, where other States will not have it, and that too, I think, is a state of unbalance.

The same thing happened in the railroad industry after World War I. The Government gave up its controls and passed the Transportation Act of 1920. That Commission had no authority. For 6 years it struggled on, being flouted by the people it attempted to bring before it, and the Congress in 1926 passed an act with some teeth in it, but it was not until 1934 that the amendments to the Railway Labor Act finally made that a perfect instrument, and incidentally kept the railroads in a peaceful state during this current World War.

Now there you have a period of 14 years of dilly-dallying before the Congress got around to the point of making a perfect instrument.

In the case of collective bargaining, when the N. I. R. A. was formed in 1933 voluntary methods were tried with Senator Wagner's tripartite board. It failed of effectiveness. Congress passed resolution 44 and set up a temporary N. L. R. B. with no real powers. I call your attention to the fact that no employee election was able to be

held under that board because employers got injunctions agains it. The only penalty was the withdrawal of the Blue Eagle, and that was quite insufficient. So that Congress finally came around to the passage of the N. L. R. A. in 1935, which at long last has established collective bargaining and peaceful negotiations as national policy, after 17 years of dilly-dallying since 1920.

I think the comparison might very well be made to the long-range establishment of equal opportunities in employment for Americans.

I would like to make some comment, as I do in my formal statement, about the different conditions North and South. It involves a little discussion of the long swing shift of Negroes, and I speak about Negroes now, although the same thing applies in some degree to Mexican-Americans.

In World War I, 7 out of 10 Negroes were either in agriculture or domestic service at the beginning of that war, and that, in turn, was a decrease from 9 out of 10 Negroes in the first 1890 census who were in agriculture or domestic service. This isn't new, Mr. Chairman. It is the conclusion of a long swing of the Negro people into industry along with their white fellow workers.

In World War I there were 1,500,000 Negroes in war industry. Eight hundred thousand of those had come up from the South as a permanent migration, because once there they have stuck. In this war, from 1942 to 1944, 600,000 Negro workers have come North. All during the 1920's and the depression there were more than 1,000,000 other Negroes who came from the South, draining the South of manpower, to work in the North.

After World War I, with no controls whatsoever, the Negroes lost immediately all the gains in industry that they had made. Over the past 20 years a picture of what has happened to them in trade unions is significant.

In 1920 there were 10,000 Negro mechanics in this country; in 1940 there were only 4,000. In 1920 there were 1,300 Negro boilermakers; in 1940 there were less than 600. In 1920 there were more than 6,000 Negro firemen, and that had dwindled to 2,200 in 1940. So that in 1940 you had the Negro in a very disadvantageous place in industry, and when the defense period came the first people drawn into it were the white unemployed. The first training in the defense period was given to the white unemployed, and the Negro, with no standing as a war worker; with 11 percent of Negroes in mechanical pursuits as compared to 22 percent of whites in mechanical pursuits in 1940, fortunately the President of the United States, seeing that we were going to have an all-out suction of all manpower and womanpower into the war, passed 8802.

The F. E. P. C. alone didn't see that Mexican-Americans and Negroes and Jews and Catholics were drawn into the war effort. War Manpower and the contracting agencies all helped.

So that from 1942, with less than 3 percent of the Negroes in the war effort, they now stand at more than 8 percent.

I won't review, Senator, because I know other witnesses,—Dr. Will Alexander and others—have shown the dilemma that lies ahead of you, how the Negro has gone into war industries, especially the new ones such as shipbuilding, nonferrous metal fabricating, aircraft—where, after VE-day they are bound to be cut back quickest and

deepest. Then you have the picture of America beginning its consumer-goods program with a backlog of $75,000,000,000 that we have saved since 1942—great purchasing power—with 600 items of iron and steel that haven't been made since 1942. We are going to need those things. If Negroes are going to be pulled out of the prime war industries in great numbers, and if they are going to have the doors slammed in their face when these new reconverted industries start, and if, under our powers as a war agency we cannot protect minority groups in the newly converted industries, you are going to have, sir, hundreds of thousands of minority group workers whom the Government said they needed in wartime, suddenly finding themselves on the street and in competition with white workers.

No special privilege should be granted to any American, but equal opportunity must, unless we are going to get into the difficulties that we got into in 1919 when the man furthest down, insecure, lost his job and wanting to know where he was going caused 26 violent race riots, out of economic antagonism.

That, sir, is what we must avoid, and that is why I think a bill with enforcement powers is an essential to carry us over, not the dim distant future, but very soon after the fall of Germany and during the war with Japan.

Senator CHAVEZ. Mr. Ross, from the experience that you have had, both as a member and as the head of the F. E. P. C. organization now, do you think a voluntary cooperation is sufficient to eliminate the classes of discrimination that we are trying to eliminate?

Mr. ROSS. I do not, Senator. I was interested to see the officials of the Urban League here today. For more than 30 years that organization has tried voluntary cooperation, with great success, both whites and Negroes combining to try to eliminate discrimination—with great success, as I say—and yet they are here today to support S. 101.

I suppose the illustration that stands out most in my mind is the railroad cases. Under Monsignor Haas, then chairman, 4 days of public hearings were held in the case of the railroads. It would be supposed that public opinion, with the facts exposed there of collusion to keep Negro firemen out of their jobs, to limit their percentage, and so forth—that those facts would have appealed to the conscience of the public. But in point of fact it was education in reverse, because those facts were distorted and the final directives of F. E. P. C. which said that a collusive agreement—collusive in the sense of being discriminatory—of the brotherhood and the railroads, discriminated on its face and should be abrogated. We were berated for that, sir, but through private suit that case came to the Supreme Court of the United States who 1 year later found exactly the same thing. Now there public education was useless.

Senator CHAVEZ. How about publicity? Does publicity as to these wrongdoings help any in doing away with discrimination?

Mr. ROSS. Well, I hate to characterize it in some cases as wrongdoing. I have in mind eight cases that we have had in St. Louis where, in the defense period, the people of St. Louis got together and said, "Let's set quotas." That was a mistake, there should be no quotas in war industrial service. And gradually they shut out Negroes and Negro women from any skills, and sometimes from any employment.

We held hearings against eight of those companies last August, Senator. We issued our directives. The prevailing custom of St. Louis was to say "No" to us, but when the need for ammunition came, and when the War Department and ourselves—and the committee members and myself have gone through those plants—we have worked with those fellows and they are beginning to see light, not because hearings were held and the thing exposed, but because of the necessity to do it.

Senator CHAVEZ. Then you are fully determined, as far as your experience and observations are concerned, that it is necessary to have an F. E. P. C. bill with teeth?

Mr. Ross. I believe so, very sincerely.

Senator CHAVEZ. Thank you very much, Mr. Ross.

Mr. Ross. Thank you.

(The prepared statement submitted by Mr. Ross is as follows:)

MARCH 14, 1945.

STATEMENT OF MALCOLM ROSS, CHAIRMAN, FAIR EMPLOYMENT PRACTICE COMMITTEE, BEFORE THE SENATE EDUCATION AND LABOR COMMITTEE

Mr. Chairman, I am here at your request to present the wartime experience of the President's Committee on Fair Employment Practice for whatever relevancy it may have to your consideration of Senate bills 101 and 459.

The Fair Employment Practice Committee has not, as a body, taken a position on the specific measures before you, but it has authorized me as Chairman to appear in response to any congressional invitation. The Committee as organized under Executive Order 9346 is composed of a Chairman, who serves full-time, and six part-time members, who meet at intervals to formulate policy and decide cases. Two of the present membership are drawn from industry, one from the bar, and three from organized labor. I propose to present for them, as well as I can, the basic facts on our administration of the Executive order designed to prevent discrimination in Government service and in war industry because of race, creed, color, or national origin. Any conclusions which I may base on Committee experience, or any comments on S. 101 and S. 459 which I may make in response to your questioning, must necessarily represent my views as one member of the Committee.

The Fair Employment Practice Committee under authority of its Executive order examines specific allegations of discrimination. Cases come to it on complaint. During the past 18 months, 5,803 such cases have been docketed. Of every 100 cases about 69 involve charges against war-industry employers, 25 involve Government agencies, and 6 involve trade-unions.

Of every 100 cases about 80 involve Negroes, 10 Jews, Seventh Day Adventists, Jehovah's Witnesses, and other religious groups, and the remaining 10 involve those who charged discrimination because of their national origin. American citizens of Latin-American origin figured largely in the last group, although there is a scattering of citizens of British, Canadian, and European ancestry.

Your committee, Mr. Chairman, approaches this problem at a time when victory in Europe seems imminent. The United States may soon be called on to shift gears in war production, cutting back on material no longer needed, emphasizing items required for fighting in the Pacific, gradually reconverting some productive capacity to fill depleted bins with consumers goods. Whenever this process begins it will mean readjustments among millions of workers who have uprooted themselves to crowd into war-industry centers.

Unlike World War I, when the armistice put an end to danger from foreign enemies, victory in Europe will likely leave us with a first-class Pacific war on our hands for some time to come. Upon how well we handle the necessary adjustments following VE-day will depend in large measure on our ability to supply the Pacific theater with everything needed for the quickest possible victory over Japan.

The general measures taken to make this transition a smooth one are not directly the concern of your committee. But the efficient use of minority-group workers during this gear-shifting process does lie directly within the scope of the legislation you are now considering. Let me point out that Executive Order

9346 is a war measure and that the jurisdiction of the Fair Employment Practice Committee, as my committee sees it, will not extend to plants wholly converted to peacetime production. This means that the first factory—and the second and all succeeding ones—which reconvert after the fall of Germany will no longer be called to account for discrimination in employment. You will then have reconverted producers exempt from the national policy and war producers still answerable for discrimination, an unhealthy situation from every viewpoint. For we shall still for a time be at war with Japan, and the uncertainties of the situation will create restlessness among employers and employees and be an embarrassment to those attempting to apply the wartime policy against discrimination with even-handed justice in the 48 States. For this reason, Mr. Chairman, I believe your committee has in hand not a theoretical problem but a practical and imminent one.

At the same time, the evil of racial and religious discrimination is so old and so deep-rooted that this need to face it suddenly has raised questions in many minds on the best methods of extirpating it. Are we at the stage, respecting equal work opportunity for all citizens as national policy, where we were when your committee 10 years ago considered whether or not to establish collective bargaining by statute as national policy? Or are we at the stage where discrimination can only be cured by public exposure and education?

We of the Fair Employment Practice Committee have felt a responsibility to examine the causes and cure of discrimination in order that we may recognize its symptoms in the daily course of administering Executive Order 9346. If you can spare me a few minutes, Mr. Chairman, I should like to present the findings of staff members on economic and historical background which underlies the present phenomenon of industrial discrimination against American workers who differ from other American workers in race, color, or creed. If I choose Negroes as the principal illustration it is because over 13,000,000 American Negroes comprise our largest minority group and because it is with Negroes that the bulk of Fair Employment Practice Committee experience lies. The industrial employment problems of our 3,000,000 citizens of Latin-American origin are not dissimilar. Discrimination because of religious belief or national origin is part of the same pattern, with local variations. An examination of the industrial employment problems which Negroes face may perhaps serve to illustrate the other dilemmas.

In 1890, when the first separate census of whites and colored was taken, about 9 out of every 10 Negro workers were either on farms or in domestic service. Out of 3,000,000 Negro wage earners only 200,000 were in mechanical industries.

Twenty years later the trend away from farms and service became apparent. By 1910 more than half a million Negroes were in mechanical pursuits and another 300,000 in transportation and trade. The majority of Negro industrial workers were still unskilled—in sawmills, mines, and foundries—but they had a foothold in something other than plantation or household life.

World War I accelerated this process and began the great migrations of Negroes away from the South. It is estimated that 800,000 Negroes in 1916 and 1917 left North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee, most of them winding up in Pennsylvania, New Jersey, Michigan, and Illinois. During that earlier World War more than a million Negro workers were employed in northern industrial plants. Already in that war Negroes on farms and in domestic service had dropped to 67 percent. Conversely, the census of 1920 (when war work was over and a recession had begun) shows nearly a million Negroes in manufacturing and mechanical industries and half a million more in trade and transportation.

Negro migration away from the South, begun in 1916, has never ceased. During the prosperous 1920's, 716,000 Negroes left the South. During the depression 317,000 more migrated North and began to drift to the west coast. The present war again has stimulated migration. Typically, Southern Negroes go from the farm to the southern city, and the southern urban Negro leaves for northern and western war centers.

The loss in southern manpower over the last 5 decades has been very considerable. In 1910, for example, 25 percent of Negro iron and steel workers were in southern mills. By 1930 this had reversed, so that 71.6 percent of Negro iron and steel workers were contributing their skills to the North.

Both North and South, the newly industrialized Negro worker suffered discrimination during the depression of the early 1930's. He was squeezed out of the desirable or higher wage jobs. He was even replaced by needy white workers in traditional Negro jobs such as waiters and cooks, and in general the Negro

worker lost during the depression most of the gains in industry which World War I provided. In 1933, 50 percent of all Negro families in the North were on Government relief. By 1940 Negro workers were fewer in mining, manufacturing, transportation, and communication than they had been in 1910.

Aside from geographical and war-industry factors, the Negro's position in trade unionism, or lack of it, served to diminish his opportunity to earn a living. Many white craft unions had deduced from sad experience with successive depressions that protection for their members lay in limiting work opportunities to the chosen few. This disbelief in full employment for all was certainly one of the reasons why these unions barred Negroes from membership. Upon Negro workers the effects were demonstrably devastating.

For example, in 1920 there were 6,505 Negro firemen, mostly on southern railroads where traditionally the majority of the firemen (working in team with white locomotive engineers) were Negroes. But 20 years later (at the end of a period when total employment had increased) there were only 2,263 Negro firemen. Similarly, the number of Negro boilermakers decreased during these two decades to 1940 from 1,398 to 506 and the number of Negro machinists from 10,286 to 4,400. None of this was by accident. A conscious limitation of job opportunities alone can explan it. During the later part of this period trade-unions gained strength from governmental protection of the right to organize and bargain collectively, but in the case of Negro workers this benefit remained unshared wherever the union carried over from its early days the tradition of barring Negroes from membership.

It may be of importance to your present inquiry, Mr. Chairman, to pause at the year 1940 and see where Negro industrial employment stood on this brink of American entrance into the present war.

In that year 55 percent of Negro labor was devoted to farming or domestic service, as opposed to 25 percent of white labor. Of Negro workers, 11 percent were in manufacturing; of white, 22 percent. In the year of 1940 the pull of war production centers in the North began to be exerted, and again the South was to lose manpower, both Negro and white. The first result of this suction was to draw in the unemployed whites. The first war production training programs were principally for white workers, particularly in the South which, with four-fifths of the Negro labor force, trained only one-fifth of Negro participants while the other States, with only one-fifth of the available Negro workers, trained four-fifths of the Negro participants in the programs.

Looking back to the situation at the time of our declaration of war against Germany and Japan, it is apparent that an accelerated trend of Negro employment in war industry was inevitable. World War I set the pattern. Our manpower need this time was relatively greater. It is not surprising that 600,000 Negroes migrated to the principal war industry centers, North, North Central and West, since 1942.

The orderly utilization of Negro manpower in war industry has been the responsibility of several agencies. When President Roosevelt issued Executive Order 8802, 6 months before Pearl Harbor, he laid a duty on all contracting agencies—Army, Navy, Maritime Commission, and all Federal agencies—to adhere to the practice of nondiscrimination. The War Manpower Commission was made primarily responsible that all needed and available labor would be trained, employed, and utilized at its highest available skill.

The President's Committee on Fair Employment Practice (under ideal conditions) would serve only to see that other agencies of a wartime Government lived up to their responsibilities. Actually it has had to act as spearhead in a difficult and controversial field which ought to be every patriotic American's business. Its effects, and the effects of war manpower, Government Departments, and the contracting agencies cannot be statistically separated.

The sum effect has been to break down the barriers which otherwise would have prevented Negro and other minority group workers from contributing to war industry. Considering the present tightness of the war manpower market, that has been a considerable contribution. At the beginning of 1942, nonwhites comprised only 2.5 percent of war workers. By November 1944 they were 8.3 percent of the 15 million workers in primary war industries reporting to the War Manpower Commission. It is obvious that our military position could not have been as favorable as it is today without the productive capacity of these million and a quarter Negro war workers. In that light the issuance of Executive Order 8802 in 1941 was a practical measure to insure the maximum availability of manpower for an all-out war. It still has the force of practicality when it is considered that today, when manpower reserves are almost nonexistant, an esti-

mated 400,000 Negro men and women are either unemployed or in nonessential pursuits, and so comprise an untapped pool of potential war workers.

The bringing into war industry or Government service of these under-utilized minority group workers is the present concern of the F. E. P. C. The over-all situation of racial and religious worker groups, and their continued service during the adjustment period ahead, must be the concern of the Congress.

In the months following the fall of Germany there will be cut-backs in shipbuilding, aircraft, ordnance, aluminum and magnesium. These are the war industries where Negroes have gained their greatest employment.

In these same months reconversion will begin for the production of washing machines, refrigerators, radios, clocks, and others of the 600 articles made from iron and steel products which have not been produced for civilian use since 1942. But in these consumer goods industries Negroes have very little foothold.

The net effect may very well be that displaced Negro war workers will face barriers to employment in the expanding consumer goods plants and that this double squeeze will leave a disproportionately large pool of unemployed Negroes. This could happen while we are still at war with Japan, and the effect on morale could be serious. It is well known that Japan picks up news of American racial disorders and sends it to Korea, China, and India. That is a propaganda weapon which we cannot afford to put into the hands of the desperately cornered Japanese.

I do not intend to say that Negroes or Mexican-Americans or Jews, or other minority group workers should be given special privilege during the reconversion adjustments. I do maintain that discrimination against them by employers or trade-unions in the fields of expanding job opportunities will place minority groups in special jeopardy, and that the patterns we establish in the next half year are bound to carry over into the deeper adjustment period following the defeat of Japan.

The general post-war prospect is by no means gloomy. The country's purchasing power increased by $75,000,000,000 from 1942 through 1944. The National Association of Manufacturers estimates employment for 15,000,000 workers in post-war manufacturing. The Nation has a great accumulated deficit of private dwellings and public construction projects. Wholesale and retail trade, and the service industries, are ripe for expansion.

But, withal, we shall need the sum of our American organization talents to effect a smooth transition from war employment to peacetime employment. The one element which we cannot afford is the disruptive effects of racial antagonism during the periods ahead.

We have for instructive example the transition year of 1919 when white and Negro workers, cut-back from war jobs and insecure about their futures, competed with each other for jobs under no rules except that of the jungle. Some reckless employers used race prejudice to break strikes. The net result was a total of 26 race riots in 1919. These were not only costly in lives and property. They left slow smoldering fires of prejudice which after a quarter of a century still eat away our security.

Federal Employment Practice Committee has confined its activities strictly to Government service and war industry, but we cannot remain blind to the implication of these activities. From committee experience and from travels North, West and South I am convinced that Government intervention to remove barriers against industrial employment of qualified and needed minority group workers has an over-all stabilizing effect on industry and that it serves as a healthy cure to prejudice. Moreover, I feel that attacking the problem on the industrial plane will have far-reaching effects for good on the post-war period.

What are the regional problems ahead?

In cities such as Chicago and Detroit, where great war in-migrations of Negroes have occurred, racial tensions are created by over-crowded housing, transportation and recreational facilities, for all of which Negroes and whites must compete against each other. Polls indicate that at least 60 percent of the in-migrants, both Negro and white, intend to stay in these war centers permanently. What is the proper method to make these teeming millions live peacefully together? Certainly the right to work is the core of a man's life, and certainly a man who is denied work—not because he cannot do it, but merely because of some irrelevant fact of race or creed—will harbor resentment. Perhaps no law you can write will eliminate all job discrimination, but the fact that it is written into national policy, that there is recourse to authority, can act as a very useful safety valve indeed.

The west coast cities of Seattle, Portland, San Francisco and Los Angeles have the special problem of being unaccustomed to having Negro workers in large numbers. They have come in by the tens of thousands. Not only will most of them want to stay there but their friends and relatives back home will be starting the same trek for years to come. If these cities deny post-war work to Negroes the alternates are to drive them away by force or put them on relief. Civic disturbance and pauperism are not what those cities want. The way out is to welcome the good Negro workers into the common prosperity of the city. But in the fact of the dilemma, and with small experience as guidance, it is doubtful whether general pleas to racial tolerance can accomplish this purely industrial job of integration.

What I have said of the Negroes equally applies to the tens of thousands of Mexicans—American workers who have been accepted as war workers on the west coast.

The South in general has a different problem, that of out-migration. Hundreds of thousands of Negro workers have left the South, together with 800,000 young white workers. Spot polls indicate that 65 percent of these, white and colored, will never return. Mark Ethridge, publisher of the Louisville Courier-Journal, who provides these figures, was led to comment that: "We have continued our custom of making our chief export crop our own people."

The use of the mechanical cotton picker after the war may further decrease Southern manpower by hundreds of thousands.

What kind of an economy it can develop lies directly before the South. The Federal Reserve Board of Atlanta advises against the region being tied "as a result of uneconomic conversion of war plants, to capacity designed for a totally different economic situation." It has been suggested that the South might concentrate on processing the varied products of its soil rather than exporting them as raw materials.

Whatever the new sources of income may be, the South will need skilled workers in order to complete with outside industries. Negroes comprise one-third of the South's labor supply. It would be economic folly to bottle up the potential skills of millions of southern Negro workers. Law or no law, persuasion or not, the fact is that many Southern Negroes will remain as farmhands or in domestic service. The chief question is whether the potential craft skills of able Negroes, many with war training, are to be tapped freely by plants who need them or whether the reluctance of white workers to accept them will be used as an actual or fictitious excuse by the employer to refuse Negroes any training or up-grading.

Acceptance of Negro skills will mean added production and a higher consumer purchasing power for the South. Rejection will result in driving North still more thousands of needed southern workers, and will continue to keep the per capita southern income far below the national average.

The choice before your committee is whether enforcement of a national policy against job discrimination would best aid the South in safe-guarding its dwindling manpower resources, or whether persuasive methods against prejudice would serve the purpose. I wou'd like to discuss this choice in terms of Federal Employment Practice Committee experience.

Under its Executive order Federal Employment Practice Committee has no direct power to enforce its decisions by fines, imprisonment or other penalties. Yet the agency does exert an authority which stems from the war powers of the President and Commander-in-Chief. Under his authority the President has stated that nondiscrimination is binding policy on all Federal departments and agencies and in war industry employment. He has made mandatory the inclusion in all contracts a provision binding the parties not to discriminate because of race, creed, color or national origin. Thus all the contracting agencies—War, Navy, Maritime Commission, War Shipping Administration and others—are responsible for carrying out a nondiscrimination policy. The war Government's training, recruitment and utilization agency—the War Manpower Commission—is similarly obligated.

The President's committee is not impotent. An actual cancelation of the most urgent war contract is a possible weapon against recalcitrant employers, as is the cancelation of recruiting rights for recalcitrant trade unions. No such cancelation has been requested, but the existence of the possibility has a healthy effect. Authority is something to be exerted when persuasion fails, but I shall try to show you from some Federal Employment Practice Committee cases that the ultimate fact of authority must be present if persuasion is to have any value.

Under Executive Order 9346 the President's Committee "shall receive and investigate complaints of discrimination." This represents the informal side of our procedure. Through persuasive tactics more than 1,700 cases were satisfactorily adjusted during the past 18 months. More than twice as many cases—some 3,000 were dismissed during this period for lack of jurisdiction or because investigation showed the complaints to be lacking in merit. These dismissals provided an outlet for the airing of the complaints, and at least brought an end to the restlessness created when grievances are bottled up and without recourse.

What is a "satisfactory adjustment" of a Fair Employment Practice Committee case?

A first complaint involving a Midwest war plant alleged refusal to hire Negroes. A cooperative relationship was established between the company and the Committee's regional office, with the ultimate result that 3,000 Negroes found employment in 57 classifications throughout the plant.

An eastern explosive manufacturer claimed that Negroes could not be used in assembly operations because the skin of colored people made them susceptible to poison. Fair Employment Practice Committee pointed out that the real problem lay in exposing all employees, white or colored, to poisoning. The exposure was corrected and within a short time Negroes were hired for assembly work.

An eastern chemical company reported that an effort to use Negroes in jobs above the level of laborer had resulted in a walk-out. Suggestions by the Fair Employment Practice Committee regional office resulted in the firm's establishing a new industrial relations department through which it now hires and trains white and nonwhite workers. Negroes are now doing skilled work in this plant.

In a southern shipyard the problem included brutality toward Negroes on the part of company guards, refusal to upgrade Negro workers, and refusal to hire Negro welders. Through a process of patient negotiation over an extended period, these problems were eventually solved by a complete change in the company guard system, by the upgrading of Negroes to become painters and grinders, and by the eventual employment, without any disorders, of 200 Negro welders. A speed record for the launching of a ship has since been made in this yard where 2 years ago the skills of Negro employees were completely unutilized.

An eastern contracting company submitted an application to United States Employment Service for Christian applicants. Negotiation led to a reversal of the firm's discriminatory policy.

A Mexican oil worker in Texas complained that he was receiving a lower rate of pay for doing the same work as white workers. The end result was an equalization of pay for all workers in the same classification and a general improvement of worker morale.

A Midwest tractor plant had no colored employees in May 1942. A complaint of discriminatory refusal to employ stimulated a plan for integrating Negro workers. Two years later, with both Negro men and women freely employed at skilled positions, the company was proud to write that it makes no distinction between groups but treats each in exactly the same manner.

A guard at a New England plant took it upon himself to tell an applicant that the company did not hire Negroes. Through the Fair Employment Practice Committee intervention the company became conscious of the problem and responded to it by agreeing to accept qualified Negro applicants. On its bulletin board the company placed a statement to all workers in the plant announcing its nondiscriminatory policy and calling upon the white workers to "do our share to demonstrate that Americans can work together in factory and office in harmony and mutual confidence, just as they fight together with equal bravery and sacrifice on the battlefield."

Complaints were issued against a transcontinental railroad that no Negroes had been upgraded since 1927. The company, cooperating with the Fair Employment Practice Committee representatives, obtained promotion for seven Negroes within 2 weeks and has continued to upgrade qualified colored employees.

These random illustrations are intended to illustrate what we have found to be the fact—that an initial reluctance to hire minority group workers generally changes in time to their full acceptance, and that in the process hostility is transmuted into a friendly understanding. We have been careful in not pushing tense situations to the breaking point. Some strikes have occurred, a few of them serious. But it must be remembered that the war has created millions of new group contacts and that disorders would have resulted had Government never raised its voice or created an agency in the field. For example, the Army, the Navy, employers, and unions have on occasion appealed to Fair Employment Practice Committee for aid in ending wildcat strikes caused by group tensions.

The Fair Employment Practice Committee had no part in causing any of the 40 such stoppages in which its field representatives played a large part in restoring order and in settling the grievances which lay at the cause of the trouble.

I have been discussing adjustments through informal negotiation. Executive Order 9346 states the Fair Employment Practice Committee formal procedures in paragraph 5, giving the Committee authority to "conduct hearings, make findings of fact, and take appropriate steps to obtain elimination of such discrimination."

The Committee has only held public hearings when all persuasion had failed. In 18 months it has issued 35 decisions against employers and 10 against trade-unions. Of the employers 9 have complied and 8 have indicated attempts to comply. One union involved in a decision has complied.

Employers who have complied with Fair Employment Practice Committee directives, or promised compliance, include six railroads, one oil company, and two street railways. Two munitions makers and one shipyard have indicated compliance.

Negotiations looking toward compliance are proceeding with five munitions firms. Four shipyards and one labor union have decisions against them which have been subject to negotiations but without present success.

In the remaining cases of 14 railroads and their 7 labor organizations, the Fair Employment Practice Committee has cited its directives against them to the President.

Out of 4,800 cases, then, there have been only a few dozen requiring formal hearings and decisions. But this small group is the touchstone of the agency's ability to do its work. It is safe to say that compliance could not have been obtained in any of these formal cases had not the Presidential assertion of war powers been standing in the background. It follows that an absence of all authority, and the attendant demonstration by recalcitrant employers and unions that they could violate the national policy with impunity, would have fallen like a blight on all attempts to get results by persuasion at the first informal stage of negotiation.

In summation, Mr. Chairman, it is my opinion that the protection of equal work opportunities for minority group workers is essential to the smooth transition from war to peacetime employment. Executive Order 9346 has authority in this field so long as we are at war, but its jurisdiction will be whittled away from the very beginning of reconversion. The only hope to avert threatening dangers to the entire economy is, in my opinion, the passage by Congress of a statute containing adequate provision to enforce the national policy against discrimination in Government service and in activities affecting interstate commerce.

Senator CHAVEZ. Judge Hastie, I am going to make a suggestion to you. I know that you will have a very, very fine statement to submit to the committee; we know of your devotion to the proposed legislation and of the work that you have done, but I wonder if you would be patient enough with the committee if they ask you to put your statement into the record without reading it?

Mr. HASTIE. I would be glad to, of course.

Senator CHAVEZ. We would like to close for the day as we have had a very long session.

Mr. HASTIE. I would be glad to do so, and am glad of that opportunity. Thank you, Senator.

Senator CHAVEZ. Thank you.

(The document referred to is as follows:)

STATEMENT OF WILLIAM H. HASTIE, DEAN OF HOWARD UNIVERSITY LAW SCHOOL, WASHINGTON, D. C., CHAIRMAN, LEGAL COMMITTEE, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF THE COLORED PEOPLE, MARCH 14, 1945, ON THE PENDING SENATE FAIR EMPLOYMENT PRACTICE BILLS, BEFORE A SUBCOMMITTEE OF THE COMMITTEE OF EDUCATION AND LABOR

When the chairman of this subcommittee graciously invited me to testify at these hearings, my first thought was to tender some observations upon the constitutional aspects of the pending legislation. However, the authority of the Congress to enact legislation restraining discriminatory practices by employers and labor unions which adversely affect interstate commerce was so clearly and adequately

expounded by Senator Chavez on behalf of this committee at the last session of Congress in Senate Report No. 1109, analysing similar legislation, that no useful purpose would seem to be served by what would at best be a restatement of his argument. Beyond the field of interstate commerce, the pending proposals deal only with Federal employment and with provisions to be inserted in Federal contracts. No person has been so irrational as to doubt the full authority of Congress to regulate these matters. So, rather than framing this statement as a legal brief, I shall attempt to state and to answer what I believe to be the principal adverse criticisms which have been leveled at the bill, S. 101, and its prototypes.

The introduction of S. 459 by Senator Taft has brought into sharp focus the contention that Government should make investigations and seek voluntary adjustments and voluntary observances of fairness in employment rather than attempt to enforce fair employment practices on the part of industry and labor. It should be emphasized at the outset that education and persuasion on the one hand and the enforcement of sanctions on the other are not mutually exclusive approaches. To the contrary, both are necessary if either is to be largely effective. Indeed, one great advantage of the handling of industrial controversies in first instance by administrative tribunals rather than courts is to be found in the fact that administrative procedure has a flexibility and an informality which a lawsuit lacks. The history of the present Fair Employment Practice Committee, and of national administrative tribunals handling other difficult economic controversies, shows that it is not only possible but is general administrative practice that first, and very often successful, resort be had to the methods of amicable settlement and friendly and rational persuasion. Not a single case can be cited in which the present Fair Employment Practice Committee has failed to exhaust every reasonable resource in the area of persuasion before resorting to a formal hearing and a consequent order. Again, I say this is the great virtue of administrative tribunals as public instrumentalities in such a field. We all agree that education and persuasion are important and useful, and that they should be, and under S. 101 will be, employed in first instance. The real question, and the only question in this issue of persuasion and enforcement is, What shall we do in those cases where persuasion fails? Shall we give up? Or shall we authorize the administrative agency to appeal to the courts for judicial enforcement. In this connection it cannot too often be repeated that under S. 101 it is the courts and the courts alone which have the power to compel an employer or a labor union to desist from discriminatory practices.

It is also important to point out that the effectiveness of any administrative body in obtaining informal settlements and adjustments is increased immeasurably by the knowledge of the other party that if no agreement is reached, a court is empowered to order compliance. It was one of our most distinguished Americans who gave the advice to "speak softly but carry a big stick." The administrative tribunal may speak softly, yet be effective, because the big stick of judicial action is available for dealing with the recalcitrant. The day may come when all men can be persuaded to act fairly in dealing with their fellowmen because it is the right thing to do, but I fear that will not be in our time. We must take into account that there are people who can be persuaded to decent and social behavior only when they are conscious of the existence of a law with sanctions which can and will be enforced against the persistent violator. It is only because the wartime powers of the President are behind it that the present Fair Employment Practice Committee has been significantly successful at informal and amicable adjustment of many complaints.

There is still another advantage of legislation with enforcement powers over a bill which relies solely upon voluntary compliance. It is at times argued by employers—more often speciously than not—that workers will quit their employment or trade will be lost if members of locally unpopular minorities are given nondiscriminatory consideration for employment. If that argument is made in good faith, then a uniform generally enforceable requirement of fair employment practices affords a protection to the employer of good will and intention which a law without sanctions cannot give him. When the law requires nondiscrimination uniformly and one's competitors must also comply, it cannot be argued that compliance places any individual in a position of competition disadvantage with others in dealing with prejudiced persons.

The plain fact is that the enactment of a bill without enforcement powers would accomplish no substantial good. For a generation such national organizations as the National Urban League and innumerable local groups have been working diligently and intelligently to educate employers and labor unions and to persuade them that the elimination of discriminatory practices is as sound economically

as it is fair. They have had some success. Yet with no intention of discrediting their efforts, it must be remembered that the failure of war industry to use Negro labor became such a serious deterrent to the full employment needed to keep war industry going that the President was compelled to invoke his extraordinary war powers in an effort to compel a cessation of such practices for the duration of the war. As a further illustration, it is not without significance that here in Washington 3 years of the most persistent effort to persuade the local street railway and bus company to employ Negroes to relieve the desperate shortage of public transportation in the Nation's Capital have been unavailing. From the west windows of this building vacant busses are to be seen on the company's parking lot at the height of the rush hour—busses which could be manned by Negro operators. Indeed, within the last few days the company has sought permission further to curtail its service because of the shortage of manpower.

As early as 1924 the National Association for the Advancement of Colored People had this to say in a friendly and persuasive letter to all great national labor groups:

"For many years the American Negro has been demanding admittance to the ranks of union labor.

"For many years your organizations have made public profession of your interest in Negro labor, of your desire to have it unionized, and of your hatred of the black 'scab.'

"Notwithstanding this apparent surface agreement, Negro labor in the main is outside the ranks of organized labor, and the reason is, first, that white union labor does not want black labor; and secondly, black labor has ceased to beg admission to union ranks because of its increasing value and efficiency outside the unions.

"We face a crisis in inter-racial labor conditions; the continued and determined race prejudice of white labor, together with the limitation of immigration, is giving black labor tremendous advantage. The Negro is entering the ranks of semiskilled and skilled labor and he is entering mainly and necessarily as a "scab." He broke the great steel strike. He will soon be in a position to break any strike when he can gain economic advantage for himself.

"On the other hand, intelligent Negroes know full well that a blow at organized labor is a blow at all labor, that black labor today profits by the blood and sweat of labor leaders in the past who have fought oppression and monoply by organization. If there is built up in America a great black bloc of nonunion laborers who have a right to hate the unions, all laborers, black and white, eventually must suffer.

"Is it not time then that black and white labor get together? Is it not time for white unions to stop bluffing and for black laborers to stop cutting off their noses to spite their faces?"

At every national convention the American Federation of Labor solemnly resolves that racial discrimination by unions is bad and should be discontinued. Yet, in spite of all persuasion, a substantial minority of labor unions persist in such irrational and self-injurious practices. There is no reason to believe that a Federal commission without power would be more persuasive than private organizations and individuals have been. But a commission with the power of the Federal courts to support it in proper cases would be effective. If Congress wants results this is the only way to get them.

One of the unfortunate consequences of the introduction of S. 101 and its prototypes has been to cause some people to have bad dreams. Whether allergic to social change, or constitutionally addicated to viewing with alarm, or just upset by their own prejudices, these people have nightmares in which their fevered imaginations conjure up dreadful consequences of a fair employment practice law. Perhaps it will be useful to try to identify and to lay at rest some of the specters with which they frighten themselves and may frighten others.

Specter No. 1 is the picture of the employer forced to hire members of minority groups in his business in the same ratio as these minorities are found in the local population. Of course, no pending bill says or means that. No commission appointed by the President and confirmed by the Senate would consist of men so uninformed or arbitrary as to believe that racial or religious discrimination is so measured. Certainly no court would sustain such an interpretation of the law. And note this would be a question of legal interpretation which would be settled by a court if it ever arose. It should also be pointed out that in the analogous situation of racial discrimination in jury service the courts have consistently held that the proportion of whites and Negroes on juries is of no moment. The question in each case is whether race rather than qualification has been

used as a basis of excluding competent persons from jury service. Under the proposed law it would be incumbent upon the complainant in every case to prove that he was refused employment because of race, religion, or origin. If he fails to prove that he is not entitled to relief. Again, referring to the present Fair Employment Practice Commission, in not one case has it even suggested that an employer should employ minorities in their population ratio. This whole notion that proportional employment would be required is in a very real sense just a bad dream.

Specter No. 2 is the picture of the blameless employer harrassed by groundless and malicious complaints, blackmailed by false charges of evil persons. The present Fair Employment Practice Committee has been in existence for nearly 5 years. Its work has been much publicized. Over a period of 2 years there have been hearings before this committee and the Labor Committee of the House of Representatives. The Special House Committee to Investigate Executive Agencies inquired particularly into the activities of the Fair Employment Commission. Business is vocal. Persons with grievances involving the functioning of a Federal agency are not reticent about making themselves heard. Yet no employer has come forward to cite any case of groundless claims advanced in bad faith to harrass employers. If such misconduct had occurred we may be sure that it would have been brought to light. We would not have mere prophecies of dire events to be anticipated in the future.

But apart from all this, it is a strange argument which says that Government ought not prohibit antisocial conduct because some innocent person may be accused. That risk is inherent in the whole body of our criminal law. And certainly we do not close our courts to claims of broken contracts or negligent injury because at times groundless claims are filed. The protection which the laws give to all of us is necessarily attended by minimum risks of attempted abuse. But in the field now under consideration the picture of the Negro or Mexican or immigrant workman creating an intolerable condition for business with unfounded and malicious claims of discrimination just doesn't make sense. Indeed, the far more likely occurrence, the one which conforms to past experience, is that the litfle man who actually suffers discrimination is too timid or misinformed to present his grievances effectively or at all. With more than half of war industry admitting that its policy was against hiring Negroes, even after the labor situation had become critical, we have a much more serious problem of effectively dealing with a great group of wrongdoers than we have of protecting the righteous, who up to this time have not expressed or experienced any need for protection in connection with the activities of the Fair Employment Practice Committee.

Another specter is raised by the cry of "State rights." This whole matter, it is argued, should be left to the several States. The fatal weakness of this argument is that it comes more than 150 years too late. It should have been addressed to the framers of our Constitution in the 1780's and not to those who seek to legislate wisely under that Constitution in the 1940's. For the founders of this Nation, with prophetic wisdom, deliberately determined that matters in the field of interstate commerce were of national scope and significance and that they could be regulated uniformly and effectively only by the Federal Government. So in the Constitution the Federal Government was given express authority and control over this area of interstate commerce. S. 101, limited as it is to that area, is dealing with matters of Federal responsibility and authority under the Constitution, not with any right of the States. And with reference to the determination of employment practices of Federal Government or the terms of Federal contracts, I am sure that the most extreme exponents of State-right argument cannot contend that the States have any concern.

But the State-rights argument at times departs from challenge of actual authority of the Federal Government—which is so clear in this area—and challenges the wisdom of Federal rather than State regulation of employment and labor practices affecting interstate commerce. Of course, there is room and need for both Federal and State legislation, each in its constitutional sphere. As a practical matter, the employment practices of large enterprises which operate in many States cannot effectively or uniformly be regulated by 48 different laws. Such multiple regulation is unnecessarily burdensome and confusing. If the burden of overlapping jurisdiction of Federal agencies is often a present-day complaint, how much more would diverse State fair employment practice laws be a source of complaint if applied to interstate business? This is not to say that State regulation of discrimination does not have its place,

its very important place, in reference to those enterprises of exclusively local significance which are beyond Federal concern and control. But important areas remain which are controlled by the legislation now proposed and cannot otherwise be reached.

I wish to conclude by discussing a contention which is not fanciful, but rather represents a fundamental issue as to the functions and responsibilities of government. It is said that insofar as S. 101 restrict employers in the choice of employees, it is a departure from the American system of free enterprise. But it is not the American doctrine of free enterprise that an employer can do anything he wishes in his business, however injurious it may be to workmen or to the general public. Happily, we have long passed the day when the extreme exponents of laissez faire could successfully argue that free enterprise means the right of business to be free from constructive regulation. We require safety devices in mines and on trains. Fake claims in advertising are prohibited. Employers are compelled to protect employees by workmen's compensation. Employers are not permitted to employ very young children or to require women to work excessive hours. They must bargain with their employees collectively on wage and hour disputes. None of these things have destroyed free enterprise. They have strengthened the institution by making its operation more decent and just and beneficial to all of us. The proposed legislation is similarly constructive and helpful.

Government cannot control the prejudices of an employer or of the members of a labor union. But when those prejudices are translated into action which deprives hundreds of thousands of people of a chance to earn a decent livelihood, the matter becomes one of the large and urgent public concern. When people must live in slums and subsist on public relief because employers don't like their skin color or their religion or their ancestry, the time has come for organized society to provide a remedy. Fortunately, the remedy now proposed does great good without injuring anyone. No employer is required to hire or retain a single incompetent employee. Labor is required merely to benefit itself by adding to its strength. We are fortunate that the sponsors of this legislation have devised a form of regulation so obviously beneficial to all concerned. It is to be hoped and urged that the Congress shall speedily enact S. 101.

Senator CHAVEZ. If there are any additional statements, as I mentioned before, I would request that they be given to the reporter for inclusion in the record.

(A statement was submitted on behalf of the Reverend Richard Morford, and is as follows:)

STATEMENT BY REVEREND RICHARD MORFORD, EXECUTIVE SECRETARY, UNITED CHRISTIAN COUNCIL FOR DEMOCRACY, SUBMITTED TO THE SUBCOMMITTEE OF THE SENATE COMMITTEE ON EDUCATION AND LABOR

NEW YORK CITY, *March 14, 1945.*

The United Christian Council for Democracy is a national federation of six national unofficial denominational organizations. These are: Methodist Federation for Social Service, Church League for Industrial Democracy (Episcopal), Presbyterian Fellowship for Social Action, Rauschenbusch Fellowship of Baptists, Unitarian Fellowship for Social Justice, Evangelical and Reformed Council for Social Reconstruction.

As the titles imply these groups are devoted to the business of implementing the imperatives of their religious faith through appropriate legislation or other measures of action directed toward the maintenance and extension of democracy at home and abroad. We do not claim a large constituency; we are in regular contact with approximately 10,000 churchmen over the country. However, by their identification with the organizations named these churchmen are marked as the progressives in the church who may be counted on in their respective sections of the Nation to be in the vanguard of action to support sound social legislation. On behalf of each of these organizations and in the name of the United Christian Council for Democracy, I come here to speak favorably of resolution S. 101 and in opposition to resolution S. 459, the measures now under consideration by your committee.

Perhaps the question that committee members would put to church leaders is this: Cannot the ultimate aims of this proposed legislation be better achieved by education—particularly the moral education provided by the churches? The answer of liberal churchmen is this: We stand for both education and legislation;

one is an essential complement of the other. The church will yield to no group in society in the recognition of the need for education against discrimination. The church will accept its share of responsibility in providing that education. But liberal churchmen will say that the education against discrimination has now proceeded to the point where the majority of the people of the country are ready to have their convictions written into specific public policy and under law to hold accountable the minority unwilling to accept the policy. They are convinced we are ready for a law prohibiting discrimination in employment.

Quite true, manpower demands in this war period have tremendously stepped up the tempo of education against discrimination. Employers have been taking the men and women who could do the work without discriminating as to race, creed, color, or national origin. Many employers have testified, as shown in the records of the War Council of the State of New York, to their appreciation of the employees from minority groups at work in their plants, that employees of minority groups have been accepted by other employees, that they have worked shoulder to shoulder in harmony. That is to say, employers have become educated. Prejudices they may have possessed have given way as the result of the compulsory measures of war. What has happened to employers has also happened to many workers. In the comradeship of the bench they have learned wholesome respect and have grown in good feelings.

Democratically minded employers, whom we think to be in the majority, are willing that the wartime nondiscriminatory practice should be made permanent public policy. By the same token, however, they insist that the policy be practiced by all alike. The minority of employers who insist upon the absolute right to hire and fire irrespective of public interest should under law be held responsible and accept the penalty of their unfair employment practice. The same thing goes for labor unions. The majority have opened their ranks without discrimination; they don't like to see a few unions continue segregation or auxiliary set-ups and get away with it. As the temporary commission on this subject in New York State recently pointed out, legislation is essential in "protecting the well-disposed from exploitation by the conscienceless."

The measure S. 459 voices sound policy and establishes the goal of eliminating discrimination in employment. But the bill is far too content with an indefinite time table for reaching the goal, tokened in one of its sections by the phrase "as rapidly as possible." Moreover, study and investigation, even recommendations, do not make a policy effective. What do you do if persons—employers or labor bodies or any other—refuse to follow recommendations?

The case for the removal of discrimination in S. 459 is rested all too much on the first four specified duties of the Commission which include "making comprehensive studies," "formulating * * * comprehensive plans," "publishing and disseminating reports," "conferring, cooperating with, and furnishing technical assistance to employers, labor unions." This is commendable educational procedure; it is not enough. Complaints of discrimination having been found true, there must be an enforcement procedure to back up recommendations. At this point S. 459 carefully refrains from putting teeth into the business. Churchmen have no desire to see prejudice, openly manifested by acts of discrimination, go its way unmolested and so spread the infection. There is a place for quarantine.

We turn then to support S. 101 because it is a carefully limited but determined plan to prohibit unfair employment practices. Its procedure demands thoroughgoing proof of discrimination. Full recourse for the persons complained against, including court review of the Commission's decisions, is made explicit. These safeguards we like. On the other hand, orders to cease and desist will have the backing of the courts also. There will be appropriate penalty for failure to abide decisions. These provisions we like also.

Surely it is to be expected on the basis of experience in the temporary Fair Employment Practice Committee that the great majority of the cases investigated where discrimination is proved are going to be settled without court fights. When cited for discrimination some employers will revise their practice willingly. Others will conform reluctantly. But the fact of enforcement and penalty provisions will prove a spur to the reluctant and a necessary weapon to bring the small minority of recalcitrant die-hards to time. This arrangement appeals to liberal churchmen as bringing the whole matter in line with good sense and good morals.

The principle of equality of opportunity for all men is basic Christian teaching. It is also basic American doctrine which we have enshrined in the word "democracy." From these two fundamental points of view the progressive churchmen of the country (for a number of whom the United Christian Council for Democracy ventures to speak) believe that practice should carry out conviction. And

that practice ought to begin at that vital and vulnerable point where a man or woman seeks an opportunity to earn the daily bread for the family.

Senator CHAVEZ. The committee will now stand adjourned subject to the call of the Chair.

(Whereupon, at 4:45 p. m., the committee adjourned, subject to call.)

(The following was submitted for the record:)

MARCH 16, 1945.

Hon. DENNIS CHAVEZ,
Chairman, Senate Subcommittee on Education and Labor,
Washington, D. C.

DEAR MR. CHAIRMAN: On behalf of the People's Lobby, I want to urge most strongly that your committee report out promptly and favorably the bill sponsored by several Senators (S. 101), to create a permanent Fair Employment Practices Commission.

This is an important war and peace measures, which should not be postponed. The bill introduced by Senator Taft, allegedly for the same purpose but lacking enforcement powers, can be characterized only as having the form of Godliness but denying the power thereof.

Yours sincerely

BENJAMIN C. MARSH,
Executive Secretary, Peoples' Lobby, Inc.

NATIONAL WOMEN'S TRADE UNION LEAGUE OF AMERICA,
Washington, D. C., March 13, 1945.

The Honorable DENNIS CHAVEZ,
Chairman, Subcommittee, Senate Committee on Education and Labor,
Washington, D. C.

DEAR SENATOR CHAVEZ: The National Women's Trade Union League has always held the firm conviction that no one should be denied the right to work and earn a living by reason of race, creed, color, or national origin. Because of this conviction, we have consistently and actively supported legislation intended to eliminate discrimination which will deprive men and women of employment opportunities.

We are actively supporting S. 101, the bipartisan bill for a permanent Fair Employment Practice Commission, with full enforcement powers. We believe the time has come when we can no longer delay legislation which will give to all people the right to earn a living. I need not tell you, Mr. Senator, that discrimination against Negroes especially is widespread and that passage of S. 101 will mean justice to all people in this free land of ours.

Very sincerely yours,

ELISABETH CHRISTMAN, *Secretary-Treasurer.*

STATEMENT ON S. 101, FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION, SUBMITTED TO CHAIRMAN CHAVEZ, OF THE SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR

WASHINGTON, D. C.

The legislative committee of the Council for Social Action of the Congregational Christian Churches desires once again to record its unanimous endorsement of legislation permanently establishing a Fair Employment Practice Commission.

Specifically do we wish to approve S. 101, which provides for a Fair Employment Practice Commission with enforcement powers, and to urge its passage at once. A full statement of our views is contained in the hearings of August 29, 1944, before the Senate subcommittee, of which Senator Chavez was chairman.

We wish to emphasize the necessity of legislation which carries enforcement powers. "The right to work," as we have previously declared, "is the least common denominator of democracy." Education and research alone are wholly inadequate tools for protecting the right of all citizens to equal opportunity for employment, without regard to race, color, creed, or national origin or ancestry.

A Fair Employment Practice Commission must have enforcement powers if it is to carry out its mandate effectively.

Because it gives the Fair Employment Practice Commission no enforcement powers whatsoever, we consider that S. 459, the so-called "alternative" the Fair Employment Practice Commission bill, is impracticable as a guaranty of democratic freedom in employment and of questionable value in other respects as well.

The imminent expiration of the temporary authorization of the present Committee on Fair Employment Practice indicates the need of immediate favorable action by the Congress on S. 101. In addition, we feel that it is essential to set up a permanent Fair Employment Practice Commission without delay in order to help prevent a wave of discriminatory lay-offs of minority workers in war industries during the reconversion period.

Members of the legislative committee and of the Council for Social Action will do their best to secure public understanding and support for the permanent Fair Employment Practice Commission when it is set up, both in our own church agencies and in the communities which we reach.

Respectfully submitted on behalf of the Legislative Committee of the Council for Social Action.

FRANCIS W. MCPEEK, *Chairman.*

MEMORANDUM OF THE LIBERAL PARTY OF THE STATE OF NEW YORK TO THE UNITED STATES SENATE COMMITTEE ON LABOR AND EDUCATION, SENATOR DENNIS CHAVEZ, CHAIRMAN, ON A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION, CONSIDERING S. 101 AND S. 459, MARCH 14, 1945

Two days ago the Ives-Quinn bill against discrimination in employment was signed by Governor Dewey and became law in New York State. This climaxed several years of study and discussion on the subject. It was, as Governor Dewey said, "an historic event."

The New York law provides in substance that it is unlawful for an employer to refuse to hire an individual or to discharge him or discriminate against him in his wages or conditions of employment because of race, creed, color, or national origin. Other provisions make it unlawful for a labor union to discriminate in its membership and for an employment agency to make any inquiry which indicates an intention to discriminate on these grounds. The law establishes a State commission against discrimination to operate as a new and separate State agency, with its own offices, staff, and counsel to enforce the provisions of the law. The administrative procedure of this commission and its enforcement powers are patterned closely after that of other administrative commissions which are familiar to us, such as the National Labor Relations Board. On the whole, the administrative and enforcement procedure of the New York law is similar to that proposed in the bipartisan bill S. 101.

It should be of interest to the Nation to know that the New York State law was not partisan legislation. Governor Lehman, a Democratic Governor, originally appointed a commission to make a study of the subject, and this commission made recommendations for legislation which went even further in its scope than the present law. Later Governor Dewey, a Republican Governor and, as you know, Republican Presidential candidate in 1944, appointed a new commission, which was succeeded by a second commission also appointed by Governor Dewey, and it was this second commission which made the study and report on which the New York law is based. This commission included, among others, 4 Republican legislators and 4 Democratic legislators, and all 8 of these men supported the bill. The bill was introduced in the assembly by Republican Majority Leader Irving Ives, and in the Senate by Democratic Minority Leader Elmer Quinn. Our State assembly is made up of 94 Republicans and 56 Democrats, and our State senate is made up of 35 Republicans and 21 Democrats. The bill passed the State assembly by a vote of 132 to 9 and the State senate by a vote of 49 to 6. You can readily see that the vote did not go on party lines. Indeed, it is to the credit of both major parties that both came out strongly favoring the bill, and throughout the period of study and debate insisted that partisanship must be laid aside. This bill was a people's bill, and its enactment represents a people's victory in New York State.

The example set by New York in passing this law against discrimination is being used by some people as an argument against the enactment of a permanent Fair Employment Practice Commission by Congress. It is argued that

since New York, the leading industrial State in the Union, has passed its own antidiscrimination law, and since six or seven other large industrial States are considering similar legislation, we ought therefore to leave the States to deal with the problem and the Federal Government should do nothing about it.

This argument neglects two important considerations.

The first, though less important, point was brought out strongly at the hearing of the joint legislative committee of the Senate and Assembly of New York, held on February 20, 1945, at which a score of representatives of various chambers of commerce and boards of trade within the State urged the defeat of the Ives-Quinn antidiscrimination bill. All of them emphasized that it would be a great mistake for New York to enact such a State law, because it would impose certain burdens and restrictions upon employers of New York, putting them at a competitive disadvantage, and would result in driving business out of New York State. This argument of driving business out of the State was repeated in one form or another by every one of the opponents of the New York bill.

Whatever substance there may be to this reasoning, it is an argument in favor of a uniform national law which can only be obtained by Federal legislation.

But there is a second and more important aspect to the question of State laws versus a Federal law. The problem of discrimination and its effect upon the general welfare of the people is not a local problem within New York State or any group of States of the Union. It is a national problem. It is a national policy that is at stake, not a State or community policy. The right to life, liberty, and the pursuit of happiness, and the right of equal opportunity of employment are fundamental in the law of the land and explicit in our Constitution and Bill of Rights. It is therefore a congressional responsibility to adopt legislation which will put these principles into practice. Furthermore, there are broad implications which are apparent on the national level for which only Federal legislation is adequate. We refer specifically, first, to the need to utilize our manpower more fully and more effectively in the war effort; and second, to the need to demonstrate our sincerity in solving some of our national minority problems as an indication of our ability and willingness to reach solutions of international problems with other countries.

The proponents of the so-called voluntary bill S. 459 agree that discrimination as such should not exist; but, they say, it is impossible to remove prejudice by passing a law. The way to deal with this problem, they say, is not by a law prohibiting discrimination but by means of education.

But those of us who favor S. 101, the so-called bipartisan bill, do not wish to see only an educational program. To us it is not a question of education versus legislation. The two are not mutually exclusive, and it is a matter of properly combining both. In fact, enforcement of the legislation will in itself be a powerful educational instrument. Experience in this field indicates that a great majority of such cases can be settled by conciliation and mediation, which is education in practice. Bringing the employer face to face with the problem and having him deal with the real facts is the surest way to dispel his prejudices. This has been proven by the experience of the National and State labor relations acts. Many employers who originally were violently opposed to unions and to the process of collective bargaining as revolutionary have nevertheless dealt successfully with unions. The actual experience serves to break down the prejudice more than any amount of discussion, since prejudice is usually based upon imaginary or exaggerated fears.

Moreover, it is important to understand that the bipartisan bill does not legislate against any prejudices, thoughts, or mental attitudes of an employer. What it does is to make it unlawful for an employer to discriminate against any person in his employment because of race, creed, or color. Only the act of discrimination is made unlawful. The bill does not regulate or attempt to regulate the state of mind of the employer—it controls his conduct only. In this respect the proposed law is not essentially different from any other piece of social legislation on our statute books. For example, when we passed the law prohibiting child labor in New York State, we did not make the unscrupulous employer a socially minded employer. But we did successfully control his conduct and thereby eliminated a serious evil. So, too, with the vast body of our laws regulating employment of women in industry. And today, a decade later, it is worth noting that practically all employers not only abide by these laws but accept them in principle as well.

Further, when Congress passed a Labor Relations Act we did not make the union-hating, union-busting employer suddenly become a union lover. But we did control his actions. That law put a stop to discrimination of employers

against their employees because of union affiliation, and we believe this law, the bipartisan law, can put a stop to discrimination of employers against their employees because of race, creed, or color.

The process of education alone and voluntary enforcement is today too little and too late. If a bill such as S. 459 had been proposed some 20 to 30 years ago, it might have been adequate. But by this date the practices of discrimination have become so widespread and so deep rooted in our national life that we need a more thoroughgoing method of dealing with it. The overwhelming majority of our people recognize the problem and support the effort to abolish discrimination. The bipartisan bill, S. 101, is not ahead of public opinion. It is overdue.

The Liberal Party records its wholehearted support for the bipartisan bill. It is not a perfect law, but it goes a long way in recognizing the scope of economic discrimination and setting up the administrative and enforcement procedure that gives us a fair chance of eliminating this social crime from our national life.

The bill represents a great step forward in the practice of genuine democracy. It is also an expression of public confidence that the democratic way of life is workable and that democratic government is capable of meeting the important problem with which this legislation deals.

Respectfully submitted.

JOHN BRAUN, *Legislative Counsel.*

RESOLUTION ADOPTED AT THE TWENTY-SECOND NATIONAL CONVENTION OF THE NATIONAL COUNCIL OF CATHOLIC WOMEN, TOLEDO, OHIO, OCTOBER 21–25, 1944, ON THE FAIR EMPLOYMENT PRACTICE COMMITTEE

The Fair Employment Practice Committee has done remarkable service for the racial minorities of the country during the war. Its need will extend beyond the war. Then, even more than now, it may be needed for a still higher service in behalf of justice. For evident reasons the Fair Employment Practice Commission should in all its essentials be made a permanent part not only of the activities of the Federal Government but of the States. It will be of unbounded help especially in the protection of Negroes and of the Spanish-speaking peoples of the Southwest and West.

In the interest of better understanding and good will, we urge the continuance of this program.

STATEMENT BY DR. HOMER A. JACK, EXECUTIVE SECRETARY, CHICAGO COUNCIL AGAINST RACIAL AND RELIGIOUS DISCRIMINATION, BEFORE THE COMMITTEE ON EDUCATION AND LABOR, UNITED STATES SENATE, AT THE HEARINGS ON S. 101 AND S. 459, BILLS TO CREATE A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION

The Chicago Council Against Racial and Religious Discrimination, which coordinates the work of more than 40 racial, religious, and civic groups in greater Chicago, had the pleasure to submit a statement in favor of a permanent Fair Employment Practice Commission at a hearing of this committee during the Seventy-eighth Congress. We reaffirm everything we stated at that time but would like to reemphasize certain points in connection with our total disapproval of S. 459.

THE NEED FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION

We note four strong arguments for the need of a permanent Fair Employment Practice Commission:

1. The authority of the present Committee on Fair Employment Practice should be more adequately defined. The power of the present Committee on Fair Employment Practice to subpena witnesses needs to be strengthened. A brochure issued by the present Committee indicates that "the Committee may request the party charged to present material, but it has no power to subpena witnesses or records." This is shown by the experience of the present Committee on Fair Employment Practice in its investigation of discriminatory practices in certain railroad unions. In September 1943 they were summoned to Washington for a hearing. Instead, they merely sent "observers," and to this day they have not answered the charges of the Committee on Fair Employment Practice.

The power of the present Committee on Fair Employment Practice to enforce its orders needs to be strengthened.—After public hearings, the present Committee on Fair Employment Practice in 1942 issued a directive to the Chicago Journey-

men Plumbers Association, American Federation of Labor, urging them to accept Negro members. To this date, the union has refused to acknowledge this directive. Also the southern railroads defied the Committee on Fair Employment Practice directives in 1943, and to the present they also have continued to ignore them.

2. The jurisdiction of the present Committee on Fair Employment Practices should be extended to all employers (and the unions of their employees) affecting interstate commerce. As a brochure issued by the present Committee on Fair Employment Practice indicates, "contrary to popular belief, the Committee does not have jurisdiction in a case merely because the party charged is engaged in interstate activities. The Fair Employment Practice Committee has no power to deal with privately owned, privately operated plants which do not hold Government contracts or subcontracts and which are not engaged in activities essential to the war effort, even though they may be engaged in interstate and foreign commerce. Also excluded from the Committee's jurisdiction are retail stores and local enterprises such as beauty parlors, law offices, specialty shops, etc., which do not hold Government contracts * * *."

3. The life of the present Fair Employment Practice Committee might be cut off at the end of the current fiscal year (June 1945) and will, in any case, terminate at the end of the war—just when it will especially be needed. The appropriation for the present Fair Employment Practice Committee might not be renewed. In June 1944, the Fair Employment Practice Committee came up for congressional appropriations and thus congressional approval for the first time in its 3 years of operation. It was then that some Representatives saw their opportunity to abolish the agency. The Fair Employment Practice Committee appropriations cleared the House by a margin of only 4 votes. And when it reached the floor of the Senate 3 weeks later, the appropriation was approved 38 to 21. Will the life of this agency be similarly jeopardized again in June?

The reconversion and post-war era will need such an agency even more than the war production period.—Bishop Francis J. Haas, former chairman of the Fair Employment Practice Committee, recently indicated, "The present Fair Employment Practice Committee is only a war agency. It will expire with the ending of the war period, which gave it its birth and existence. In the post-war world, other problems will arise and some present ones will be carried over. Discrimination in employment against Negroes and other minority groups will survive the war in a more complex and aggravated form." Malcolm Ross, chairman of the Fair Employment Practice Committee also indicated, "This Committee was established under Executive order as an emergency measure. (This bill), on the contrary, looks forward to the post-war adjustment period when more than a million Negroes in the armed services will return to civilian life, when Mexican-Americans (including 25 percent of the prisoners of war taken by the Japanese at Bataan) will be mustered out, and when the million and a half Negro workers now in prime war industry and the other uncounted minority group members have to shift the manner of their earning a living."

Tension in Illinois will be great after the war.—Discrimination in employment will create serious tensions in the reconversion and post-war periods. Discrimination by management and labor was widespread in Chicago and throughout Illinois a few years ago. The wartime needs for manpower and the present Fair Employment Practice Committee have given the Negro, the Jew, and members of other minority groups status in industry and labor which they have never enjoyed before. Any lessening of these gains will not be acceptable by the workers from minority groups now working in Illinois or who will return to Illinois from the world battle fronts. And yet members of many minority groups, being the last hired for war production, will be among the first to laid off, because of lack of seniority, during the dislocation which is bound to occur during the reconversion period. After the first World War, discriminations produced tensions both in northern and southern Illinois which broke into serious race riots. Similar riots are predicted by qualified students of race relations unless some of the basic causes for tensions are alleviated—and of these causes, employment ranks with housing as fundamental.

4. Laws can reduce discrimination, if not prejudice, and thus legislation to create a permanent Fair Employment Practice Commission should be enacted to reduce discrimination in employment. To the objection that "stateways cannot change folkways," recent social history has shown that discrimination can be reduced by legislation—as discrimination has been enforced by legislation in some sections of the country. Prejudice should not be confused with discrimination. Prejudice is an emotion, a feeling, and is, unfortunately, lawful even in a democracy. But discrimination is a practice, an overt prejudice, which

infringes on the rights of others in a democracy. And increasingly in our democratic society, discrimination is being recognized as not only unlawful but capable of being reduced and even eliminated by law. This is no longer a theoretical question, for experience has shown that during the past decade antiunion discrimination in hiring and tenure of employment has been greatly reduced in industry through the administration of the National Labor Relations Act. Undoubtedly, there still are a number of employers who have retained their antiunion prejudices, but this legislation has effectively stopped such prejudice to take the form of discriminatory acts. Thus legislation can prevent discrimination, if not overcome prejudice. This has also been substantiated by the experience of the present Fair Employment Practice Committee. In the several years of its existence, many employers and unions in war production have ceased their discriminatory practices, if not their discriminatory desires. And in many cases, the elimination of discrimination has paved the way for at least a reduction of prejudice on the part of employers and employees toward members of minority groups.

ORGANIZATIONS SUPPORTING A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION WITH ENFORCEMENT POWERS

The following national organizations, with branches in Greater Chicago, have gone on record in favor of this legislation: Alpha Kappa Alpha Sorority, American Friends Service Committee, American Jewish Committee, American Jewish Congress, American Unitarian Association, American Unitarian Youth, B'nai B'rith, Council for Social Action of the Congregational-Christian Churches, Congress of Industrial Organizations, Delta Sigma Theta Sorority, Federal Council of the Churches of Christ in America, Fraternal Council of Negro Churches of America, International Ladies Garment Workers Union of America, International Brotherhood of Sleeping Car Porters, Jewish Labor Committee, Jewish War Veterans of the United States, March on Washington Movement, General Conference of the Methodist Church, National Association for the Advancement of Colored People, National Conference of Christians and Jews, National Council of Jewish Women, National Council of Student Christian Associations, National Farmers Union, National Federation for Constitutional Liberties, National Urban League, Post-war World Council, Presbyterian General Assembly, Union of American Hebrew Congregations, Union for Democratic Action, Women's International League for Peace and Freedom, Workers Defense League, national board of the Young Women's Christian Association, national board of the Young Men's Christian Association.

The following Chicago organizations have gone on record in favor of this legislation: City Club of Chicago, Association for Family Living, Back of the Yards Neighborhood Council, Chicago Council Against Racial and Religious Discrimination, Illinois State Federation of Labor, Chicago Branch of the National Lawyers Guild, Independent Voters of Illinois, Catholic Labor Alliance, and the Illinois Interracial Commission.

WE OPPOSE THE TAFT BILL (S. 459)

We should like to express our firm opposition to the innocuous measure proposed by Senator Taft as a substitute for Senate bill 101. Even today, in the face of the most critical war in our Nation's history, in the fact of the most acute manpower shortage, and in the face of the President's Executive order prohibiting discrimination, countless Americans throughout the country and here in Illinois are still being denied an opportunity of contributing their full skills toward producing the tools of victory solely because of their skin color, manner of worship, or national origin. Indeed, Senator Taft himself has attested to the fact that "Negroes do not have the opportunities for employment enjoyed by white men." If further evidence be required that the blight of discrimination is still rampant, one need only refer to the volume of the complaints still pending before the present Fair Employment Practice Committee.

Discrimination is a hard fact. To set up a commission, as Senator Taft proposes, empowered to investigate the existence of this fact, but impotent to combat it, is to make a mockery of our professions of faith in equality of opportunity. In introducing the bill, Senator Taft stated that progress against discrimination must be made by education. As a legislator of long standing, he should be among the first to recognize the educational value of declaring those practices which are inimical to the public welfare to be illegal. Progressive educators everywhere subscribe to the thesis of learning by doing.

In arguing the merits of a voluntary Commission, Senator Taft admits that "there may be a few recalcitrant employers * * * but I believe they will be a few indeed." At the same time he states categorically that a commission with enforcement powers will invite "thousands of lawsuits." This latter statement seems to belie the Senator's own faith in the efficacy of the voluntary method since under the provisions of S. 101 lawsuits, such as he fears, would be filed only after voluntary methods had been tried and failed.

The defiance certain employers and labor unions have shown to the directives of the present Fair Employment Practice Committee at a time when manpower shortages make discrimination a luxury that can ill be afforded, makes it abundantly clear that we can no longer afford to leave the solution of this problem to chance or magnanimity. Necessitous men are not free men. The opportunity of making a living must no longer be considered an act of impulsive generosity that can be withdrawn at the will or whim of the benefactor, but must become firmly established by law as an inalienable right of each individual regardless of race, creed, color, or national origin.

The Chicago Council Against Racial and Religious Discrimination, therefore, strongly urges the speedy establishment of a permanent statutory Fair Employment Practice Commission with adequate powers of enforcement as provided for in Senate bill 101.

POST-WAR WORLD COUNCIL,
New York, N. Y.

The Post-war World Council records its unqualified opposition to any measure like the Taft bill (S. 429) which, under guise of creating a Fair Employment Practices Commission, actually proposes an exceedingly hollow substitute for it. The danger inherent in its introduction, moreover, goes far beyond its own essential weakness. It actually jeopardizes the passage of a real Fair Employment Practice Commission bill with effective powers of enforcement.

Senator Taft has himself concurred in the widespread realization that economic discrimination exists and must be removed. He has said that a Fair Employment Practice Commission "is justified by the fact that Negroes do not have the opportunities for employment enjoyed by white men. In many places they are the last to be employed and the first to be laid off." It is difficult to believe that he thinks such discrimination will be abolished by passage of his emasculated bill which has no enforcement powers and relies entirely on investigation and voluntary cooperation.

Post-war America faces grave problems of which the most immediate and important is full employment. Social and racial tensions may be expected to increase with economic tensions. Now is the time in which to prepare for removal of unnatural and unnecessary crises by congressional action making it illegal to discriminate in employment. Now is the time to pass S. 101, the bipartisan Fair Employment Practice Commission bill which creates a commission whose directives may be enforced through the courts. Only by making this a statute of the United States, will we implement the oft repeated doctrine that all Americans have an equal right to jobs.

NORMAN THOMAS,
ELSIE ELFENBEIN.

SOUTHWESTERN CONNECTICUT COMMITTEE
TO PROMOTE FAIR EMPLOYMENT PRACTICES,
Stamford, Conn., February 17, 1945.

The Southwestern Connecticut Committee to Promote Fair Employment Practices, an interracial group of citizens with representatives from a number of civic organizations and also interested individuals, is supporting S. 101, a bill to set up a permanent Fair Employment Practice Commission with enforcement powers. It is opposed to Senator Robert Taft's bill calling for a voluntary Fair Employment Practice Commission with only investigatory and advisory duties. It feels such a bill would be ineffective in accomplishing the results needed to eliminate discrimination. This committee has expressed its opinion to its own Senators and to Senator Taft.

MILDRED D. WILCOX, *Secretary.*

STATEMENT ON THE TAFT BILL

The National Council of Jewish Women strongly supports S. 101 to establish a permanent Commission on Fair Employment Practice. We believe that this bill carries out the pledges made by both the Republican and Democratic Parties in their platforms adopted prior to the last election. Congressmen and Senators of both parties have endorsed this legislation.

We believe that S. 459 introduced by Senator Taft neither fulfills the pre-election pledges made by the two political parties nor does it provide an effective means of combating discrimination in employment.

One of the most important provisions of S. 101 is that it enables the Fair Employment Practice Commission to appeal to the courts to enforce its decisions. S. 459 merely authorizes the Commission to make recommendations for the elimination of employment discrimination. It has no way of implementing its findings.

It has been charged that S. 101 will not eliminate discrimination because an attitude of mind fostered by centuries of habit cannot be wiped out by the stroke of a lawmaker's pen. We are well aware of the fact that all traces of prejudice cannot be eradicated without many years of patient education and understanding. Discrimination in employment, however, is a direct threat to the economic well-being of Americans who are members of minority groups. We firmly believe that this country in fulfilling its obligation of providing equality of opportunity to all its people must protect them by law against this kind of discrimination. Only an agency with powers to enrforce its decisions can do this. Therefore, the National Council of Jewish Women, with its membership of 65,000 women, supports S. 101.

MRS. JOSEPH M. WELT,
National Council of Jewish Women, Inc.

STATEMENT

The Denver Council for a Permanent Fair Employment Practice Committee will definitely support the bipartisan bill, S. 101, which provides for a Permanent Fair Employment Practice Commission with enforcement powers, and not the Taft, S. 459, recently introduced by Senator Taft, of Ohio, which does not provide for enforcement powers.

We do not want and will not support a bill for regional voluntary committees of five members each, whose powers will be limited to investigating, advising, and making recommendations. We now have a Fair Employment Practice Committee, functioning without enforcement powers, but they do have the privilege of referring emergency cases to President Roosevelt for enforcement through his wartime powers.

We want a permanent Fair Employment Practice Commission, with enforcement powers, that can give their full time to the receiving and investigating of complaints, conduct hearings, issue cease and desist orders where discrimination is found to exist, and to enforce these orders, subject to judicial review, through the United States circuit courts.

We are supporting the bipartisan bill, S. 101, because it covers both management and labor and will provide protection for all Americans from discrimination, regardless of race, color, creed, national origin, or ancentry, which is so necessary in keeping down mass unemployment, and establishing economic stability during the reconversion and post-war period.

Whereas, the Taft bill only provides for race, color, creed, and excludes national origin or ancestry, we are requesting our Senators and Congressmen from Colorado, through our organization with the aid of other organizations and individuals, to support Senate bill 101, and to disregard and not support bill S. 459, which is something that the people back home do not want.

(MRS.) THELMA S. FREEMAN,
Secretary, Denver Council for a Permanent Fair Employment Practice Commission.

[Telegram]

BREWSTER, MASS., *February 17, 1945.*

American Unitarian Youth at national convention July 6, 1944, unanimously voted: Be it resolved that this convention go on record as strongly in favor of a permanent Fair Employment Practice Commission. We urge our members to work for legislation establishing and strengthening such a body. Taft bill would weaken rather than strengthen what is already being done. We want no mere investigation committee but a body with enforcement powers to eliminate discrimination on grounds of race, creed, color, national origin, or ancestry. We urge passage of bipartisan measure, S. 101.

ARNOLD WESTWOOD, *Chairman, Social Action Committee.*

THE FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA,
New York, N. Y., February 16, 1945.

As one who has been intensely interested in the establishment of a permanent Fair Employment Practice Commission, I am gravely disappointed in the bill which has been introduced by Senator Taft. I cannot believe that a bill which does not actually make discrimination in employment illegal and which has no enforcement provisions will adequately serve the purpose of securing justice for minority groups. What we need, it seems to me, is not more study of discrimination, but more action with regard to it.

Very sincerely yours,

G. BROMLEY OXNAM, *President.*

AMERICAN CIVIL LIBERTIES UNION,
New York, N. Y., March 1, 1945.

MEMORANDUM IN SUPPORT OF LEGISLATION PROHIBITING DISCRIMINATION BY EMPLOYERS AND TRADE UNIONS ON GROUNDS OF RACE, CREED, COLOR, OR RELIGION

1. The American Civil Liberties Union, of course, has supported the principle that there should be no discrimination on such grounds in public employment or among contractors working for Federal agencies. The President's Fair Employment Practice Committee goes no further than that. The union has supported legislation and court proceedings aimed at discrimination by trade unions in admission to membership on the ground that unions have come to have such large control over employment in many industries that their regulation is necessary. The union has also supported civil rights laws in many States prohibiting interference on these grounds with the right of persons to service in places of public accommodation.

2. The new principle involved in the permanent Fair Employment Practice Committee bill and in similar legislation in the State concerns discrimination by private employers. The union has taken the position that private employers should be prevented from discriminating on the same basis as trade unions, controlling between them as they do the means of livelihood. The proposed bills, both Federal and State, exempt from their operations small establishments. (The number fixed varies, as in wages and hours, and social-security laws up to some 10 to 15 employees). This exemption is based on the fact that these employers affect only slightly the labor market, and that the difficulty of enforcing policies affecting these small units is too great. The American Civil Liberties Union has approved exemption in the case of race discrimination statutes up to 100, but the figure might be fixed at any arbitrary small number.

3. It is contended by some who oppose the extension of these statutes to private employers that they violate their right to choose their own employees. That argument, it seems to the American Civil Liberties Union, has been effectively answered by the National Labor Relations Act and many State laws prohibiting discrimination against members of unions. The same principle of regulation is involved where the right to work is at stake regardless of race or religion. The comments of the New York State Commission Against Discrimination in drafting a bill for the current legislature are in point. The commission first cites the 1938 constitutional provision:

"No person shall, because of race, color, creed, or religion, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation, or institution, or by the State or any agency or subdivision of the State."

"The debates in the constitutional convention of 1938 conclusively show that uppermost in the convention's conception of 'civil rights' was the right to justice in the field of employment.

"The right to life, the most primary of all civil rights, can have no fulfillment without the right to work. Denial or curtailment of the right to work by reason of race, creed, color, or national origin, deprives minorities 'of their constitutional right to earn a livelihood' (*Carroll* v. *Local 269*, 133 N. J. Eq. 144, 147 and cases cited); 'menaces the institutions and foundation of a free democratic State (L. 1944, ch. 692, sec. 1); and draws the Nation toward the shattering abyss of racism and intolerance.

"In the *Carroll* case just cited, the court said (p. 146):

"The right to earn a livelihood is a property right which is guaranteed in our country by the fifth and fourteenth amendments of the Federal Constitution, and by the State constitution."

"In the recognition of this right to work without discrimination there is no inadmissible invasion of the right to employ and to contract. Freedom of contract is not absolute. Like all other rights of person and of property, it is subject to reasonable regulations and prohibitions in the interest of the common welfare and of a sound and consistent democracy. As said by the Supreme Court of the United States in *Nebbia* v. *People of the State of New York*, 291 U. S. 502, 527:

"The Constitution does not guarantee the unrestricted privilege to engage in a business or to conduct it as one pleases."

"Hence the courts have steadily upheld legislative authority to regulate labor conditions and relations, and to prevent the right to hire and discharge from being used to impair 'the countervailing right' of employees. (*Phelps Dodge Corp.* v. *N. L. R. B.*, 313 U. S. 177; *N. L. R. B.* v. *Jones & Laughlin*, 301 U. S. 1; *U. S.* v. *Darby*, 313 U. S. 100). The phrase 'affected with a public interest' is no longer accepted judicially as the determining characteristic of business which can be subjected to 'the economic and social program of the States.'" (*Olsen* v. *Nebraska*, 313 U. S. 236, 246.)

The League of Women Shoppers is a national organization of consumers with branches in Chicago, Columbus, Denver, Minneapolis, Miami, New Jersey, New York, and Washington. We made a statement before your committee last September in support of S. 2048 and as you have the printed record of those hearings, there is no need to repeat in full in support of S. 101 the arguments advanced then in favor of the former bill. However, as you now have under consideration another bill purporting to establish a permanent Fair Employment Practice Committee, we wish to point out why we consider it inadequate.

In our statement last fall we emphasized the need for an agency with enforcement powers. We also stressed the need for prompt establishment of a permanent Fair Employment Practice Committee to take over the work of the President's committee, which is a war agency with a limited life and dwindling power. The Taft bill (S. 459) provides for a commission which will be even less effective than the wartime Fair Employment Practice Committee. It is weaker in the provisions applying to discrimination in Federal employment and it does not require the insertion in Government contracts with private employers of a clause forbidding racial and religious discrimination. Thus the Federal Government would lose its present position of leadership in making nondiscrimination in employment the national policy.

The greatest weakness of the Taft bill is the omission of enforcement powers. We pointed out in our previous statement that full power to compel compliance would need to be invoked only occasionally, but that the Commission must be able to make its decisions respected. It is true that the President's Fair Employment Practice Committee has been functioning without enforcement provisions except for the rarely invoked power of certifying a case to the President. During the war a patriotic desire to cooperate with the Government has impelled many employers to drop restrictive employment policies. This tendency has been reinforced by the acute manpower shortage. Both of these influences will drop out of the industrial picture in the critical days of reconversion to civilian production. And as industries change over to nonmilitary production they no longer are subject to the jurisdiction of the President's committee. Its effectiveness is thus dwindling even before the close of the war sets the date when its existence will come to an end.

It is therefore urgent to establish by act of Congress a permanent Fair Employment Practice Committee with enforcement powers as provided for in S. 101. We hope your committee will do its utmost to get the Committee on Education and labor to report this bill favorably to the Senate so that legislative action will not be delayed.

NATIONAL LEAGUE OF WOMEN SHOPPERS,
HELEN LOEFFLER, *Labor Chairman, Washington Branch.*

UPHOLSTERERS' INTERNATIONAL UNION OF NORTH AMERICA,
Philadelphia, Pa., March 15, 1945.

The Upholsterers' International Union of North America, American Federation of Labor, is formally on record in support of the enactment by Congress of a fair-employment practice bill with sufficient enforcement powers to make it possible to eliminate discrimination in employment on account of race, color, creed, or national origin. We have made a study of the legislation to this end now before Congress and are giving our complete support to H. R. 2232 and S. 101. The passage of these bills and the creation of a Fair Employment Practice Commission, as provided for in this legislation, will do much to alleviate the evil of employment discrimination.

We are much concerned with this problem as it will develop in the period following the war. Today it is true that there is much less discrimination in employment than ever before, at least with respect to the possibility of a member of a minority group finding employment. There is little or no unemployment now, but that is because the rate of production has been stepped up to so high a pitch that there is a continuing demand for labor. However, those of us who are interested in the right of every person needing a job to have employment at his highest skill, are concerned about what will occur when the pressure of wartime production is no longer present. It is to meet this situation that we feel it is so important for a fair-employment practices bill to become the law of the land.

A House committee has under consideration a bill introduced by Senator Taft, of Ohio, which, in our opinion, must fail to accomplish the purposes in which we are interested because it sets up voluntary control of the problem. Our experience has taught us that discrimination in employment cannot be eliminated by voluntary means. Even during this war, at a time when continued production has been so necessary, there have been many instances where the force of the present temporary Fair Employment Practice Commission has been needed to make recalcitrant employers abide by the principles of fair employment practice.

The interests of the people of this country who want to live in a real democracy necessitate the rejection of this voluntary measure proposed by Senator Taft and the enactment of a bill which can put into effect the principles in which we are interested.

Sincerely yours,

SAL. B. HOFFMANN,
International President.

STATEMENT OF LOUIS T. WRIGHT, M. D., CHAIRMAN, BOARD OF DIRECTORS, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, SUBMITTED TO THE SENATE EDUCATION AND LABOR COMMITTEE, IN SUPPORT OF S. 101, MARCH 23, 1945

The National Association for the Advancement of Colored People takes pleasure in endorsing the basic principle of S. 191, a bill to amend the Public Health Service Act so as to authorize grants to States for surveying their hospital and public-health centers, and appropriating $100,000,000 for the planning and construction of additional hospital facilities. Such a program is badly needed in the United States, and is long overdue.

I believe all authorities agree that at least one-third of the entire population of the United States is without proper medical care. This urgently needed medical service can be supplied only through a positive and permanent program of Federal aid to existing public hospitals, and the speedy construction of desperately needed hospitals and health centers. It is not necessary to make an extended examination of the effect on national health which flows from the failure of the United States to meet the crying need by a broad and constructive program. It suffices to say that in 1943 the Selective Service reported that 3,000,-

000 men between the ages of 18 and 44 had been rejected for military service because of physical, educational, and moral defects. The exact number of men rejected for physical deficiencies is not a matter of official information, however, current estimates put that figure at 2,000,000.

I want, however, to address myself particularly to the health problem of Negroes in the United States. For the overwhelming majority of the colored race in this country, clinical and hospital care is, for all practical purposes, nonexistent. The few exceptions where good care can be had, found chiefly in nothern urban centers, merely balance off the situation in southern rural communities where, for the most part, there is a total absence of medical facilities of any kind. For example, the Negro population of Mississippi is 1,074,578, yet in 1938 there were only 0.7 beds per thousand for Negroes. In this connection, after a careful study of hospital facilities for Negro patients for the years 1940–42, a responsible organization concluded that " * * * in some areas where the population is heavily Negro, there are as few as 75 beds set aside for over a million Negroes."

A great number of private hospitals completely exclude Negro patients. This is true even in many northern urban communities. Such private and public medical institutions that admit Negroes place heavy restrictions on the number of beds for Negro use. Moreover, they are invariably placed in segregated quarters inferior to those obtaining elsewhere in the same facility. With this overview, I advert to the situation obtaining in Mississippi. According to Harold F. Dorn, the beds per 1,000 whites were 2.1 as compared with 0.7 for Negroes. Although the number of beds required will vary with the type and prevalence of the disease, modern medical authorities set four beds per thousand as the minimum requirement for a well cared for community.

The Negro not only suffers with the general population from the lack of a broad and adequate Federal health program but, as has been indicated, he is further victimized by practices of segregation and discrimination. How does this reflect itself in the general health of the Negro? By and large, it can be safely said that he suffers more from all sorts of diseases than white citizens. Current figures show that infant mortality for Negroes is 69 percent higher than for whites; that a Negro child born alive has an average life expectancy of 53 years as compared with a white child who may, in the normal course of things, expect to reach the age of 65.

I am satisfied, from a medical standpoint, that these differentials in nowise reflect any innate susceptibility of the Negro to disease, but rather show the combined impact of discrimination in economic life and the aforesaid discriminations in obtaining medical assistance. As one authority has put it, "a white person who is ill, under existing racial provisions, has 14 time better a chance of recovering than a Negro."

In any discussion of the health of the Negro, it would be remiss not to touch on the status of the Negro physician, technician, and nurse. In 1944 there were 3,500 physicians in private practice and 7,500 nurses. Because of race discrimination, a qualified Negro physician is denied staff and in-patient privileges in practically every non-Negro hospitals in the United States. This limitation applies equally to Negro nurses and technicians. The net result is that in many Southern hospitals, I regret to say, the attitude of white physicians toward Negro patients is one of indifference bordering on criminal neglect. Moreover, the denial of staff privileges to the Negro medical profession considerably lowers opportunities for training and specialization.

In these circumstances, I am deeply concerned by the fact that S. 101 provides for State control over medical facilities constructed with Federal funds without any safeguards whatsoever to protect Negro patients and Negro members of the medical profession. The inequitable manner in which certain States allocate their own general funds affords ample justification for my concern. I believe, therefore, that this bill should be amended so as to provide such safeguards and recommend that—

1. Page 3, line 6 be amended to read as follows: "Council, shall be fairly representative of trade or industry, labor, farm, consumer, and minority racial groups, and State agencies," etc.

2. Page 3, line 14 to read: "Council shall be representative of trade or industry, labor, farm, consumer, and minority racial groups; and".

3. Page 7 following line 10 shall be added a new section as follows: "Assure that all services and physical accommodations of such hospitals shall be available to persons without regard to religion, sex, race, national origin, or degree of indigency; that all physicians licensed in the State shall be eligible to the

various levels of staff appointments according to their training, experience and demonstrated professional qualifications; that professional training opportunities shall be open to all qualified persons in such manner as to obtain trainees of the highest ability, character, and professional promise; that all of the other professional and service personnel shall be recruited and employed solely on the basis of ability, training, experience, and character."

With the incorporation of these changes, the National Association for the Advancement of Colored People endorses, without reservation, S. 101.

STATEMENT OF AMERICAN JEWISH COMMITTEE

(Submitted by Marcus Cohn, Washington representative, American Jewish Committee, Washington, D. C.)

There is nothing more fundamental to a democratic society than equality of economic opportunity. Yet anyone who has watched the efforts of our democracy to man its machines and guns knows that large numbers of our population are denied that opportunity solely because they are the victims of racial or religious prejudice.

The people of this country, aware of the origins of this war, and conscious of the principles for which we are fighting, now look to our own Government to root out of American soil any counterpart of the Nazi doctrine of racial superiority. The withholding of economic opportunity from certain racial or religious groups was Hitler's first step in creating the climate for aggression between peoples whose common interest normally lay together. We must not allow that climate to persist here and to expand, as it inevitably would unless checked, in the post-war scramble for jobs.

Your committee has before it two Fair Employment Practice Committee bills. One provides the new agency with enforcement powers; the other limits it to education and persuasion. The experiences of the wartime Fair Employment Practice Committee have demonstrated that education and persuasion are important, but not enough. Even the spectacle of war plants where some people who have hitherto been denied work have proven themselves, has not always been educational enough. Even the pleas of our military leaders for more material have not always proved persuasive enough.

In peacetime, such a Fair Employment Practice Committee would be helpless to prevent a reconversion to discrimination. The American Jewish Committee believes that the enactment of S. 101, which would establish a permanent Fair Employment Practice Committee with enforcement powers, is the minimum obligation of a democratic government to all its citizens.

Senator CHAVEZ. I wish to have incorporated in this record a list of names of groups from whom the subcommittee has received telegrams and letters in support of S. 101, providing for the establishment of a permanent F. E. P. C.

(The list referred to is as follows:)

American Civil Liberties Union.
American Friends Service Committee.
Amy Mollison Chapter of the W. I. V. E. S., Brooklyn, N. Y.
Avondale Synagogue Women's Auxiliary, Cincinnati, Ohio.
Belen Local Council for a Permanent Fair Employment Practice Committee, New Mexico.
Cincinnati Branch, National Association for the Advancement of Colored People.
Citizen's Committee of Dayton, Ohio.
Cleveland Section Council of Jewish Women.
Columbus Council for Democracy.
Committee on Race Relations, Philadelphia, Pa.
Congregation Ahavath Israel and Talmud Torah of East Midwood, Inc., Brooklyn, N. Y.
Consumers League.
Council for Equal Job Opportunity, Philadelphia, Pa.
Council of Churches, Cincinnati.
Council of Jewish Women of Cincinnati.

Crew of steamship *Robert Henri*.
Delta Sigma Theta Sorority, Grand Chapter, Sewell, N. J.
Fellowship of Reconciliation, Columbus, Ohio.
Frontier's Club of Dayton, Ohio.
International Alliance of Hotel and Restaurants Employees and Bartenders League of America, Cincinnati, Ohio.
International Ladies Garment Workers, Local 68 and Local 204, Cincinnati, Ohio.
Jewish Vocational Service Chapter of United Office Workers of America, Local 87, Cleveland.
Kansas-Missouri Council for a Permanent Fair Employment Practice Committee.
King Hiram Grand Lodge, Ancient Free and Accepted Masons, Inc., Vauxhall, N. J.
Mayor's Interracial Committee of New Rochelle.
Methodist Men's Organization, Mount Zion Church, Cincinnati, Ohio.
National Alliance Postal Employees, District 6, Cincinnati, Ohio.
National Association of Colored Graduate Nurses.
Catholic National Commission on Interracial Justice, Manhattanville, N. Y.
New Orleans citizens—petition of organizations, educators, and community leaders.
Ohio Anti-Defamation League.
Ohio Conferences of Urban League.
Ohio Congress of Industrial Organizations War Relief.
Ohio Congress of Parent-Teachers, Inc.
Ohio Council of Church Women.
Ohio Council of Young Men's Christian Association.
Ohio National Association for the Advancement of Colored People.
Philadelphia Federation of Churches.
Progressive Citizen's Committee, Cincinnati, Ohio.
San Diego Council for a Permanent Fair Employment Practice Committee.
Servicemen's Wives for Democratic Action, Minneapolis, Minn.
Temple on the Heights, 450 members of Men's Club, Cleveland, Ohio.
United Auto Workers, Local 647, Cincinnati, Ohio.
United Automobile Workers, Congress of Industrial Organizations, Local 659, Flint, Mich.
United Automobile Workers, Congress of Industrial Organizations, Local 685, Kokomo, Ind.
United Office and Professional Workers of America, New York.
United Transport Service Employees of America, Local 809, Cincinnati, Ohio.
Vanguard Leagues, Columbus, Ohio.
Warehouse Workers International Union, Cincinnati, Ohio.
Women's City Club Division of Negro's Welfare, Cincinnati, Ohio.
Women's Social Christian Service of the Mosince Methodist Church, Wisconsin.
Workers Defense League.
Yonkers Federation of Churches.
Young Women's Christian Association, Cincinnati.

×

66371—45——13

80TH CONGRESS
1ST SESSION

S. 984

IN THE SENATE OF THE UNITED STATES

MARCH 27 (legislative day, MARCH 24), 1947

Mr. IVES (for himself, Mr. SALTONSTALL, Mr. SMITH, Mr. MORSE, Mr. CHAVEZ, Mr. DOWNEY, Mr. MURRAY, and Mr. MYERS) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

---

A BILL

To prohibit discrimination in employment because of race, religion, color, national origin, or ancestry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Act Against Discrimination in Employment".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that the practice of discriminating in employment against properly qualified persons because of their race, religion, color, national origin,

or ancestry is contrary to the American principles of liberty and of equality of opportunity, is incompatible with the Constitution, forces large segments of our population into substandard conditions of living, foments industrial strife and domestic unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects the domestic and foreign commerce of the United States.

(b) The right to employment without discrimination because of race, religion, color, national origin, or ancestry is hereby recognized as and declared to be a civil right of all the people of the United States.

(c) This Act has also been enacted as a step toward fulfillment of the international treaty obligations imposed by the Charter of the United Nations upon the United States as a signatory thereof to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".

(d) It is hereby declared to be the policy of the United States to protect the right recognized and declared in subdivision (b) hereof and to eliminate all such discrimination to the fullest extent permitted by the Constitution. This Act shall be construed to effectuate such policy.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or any organized group of persons and any agency or instrumentality of the United States or of any Territory or possession thereof.

(b) The term "employer" means a person engaged in commerce or in operations affecting commerce having in his employ fifty or more individuals; any agency or instrumentality of the United States or of any Territory or possession thereof; and any person acting in the interest of an employer, directly or indirectly.

(c) The term "labor organization" means any organization, having fifty or more members employed by any employer or employers, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or for other mutual aid or protection in connection with employment.

(d) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between any State, Territory, or the District of

Columbia and any place outside thereof; or within the District of Columbia or any Territory; or between points in the same State but through any point outside thereof.

(e) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce.

(f) The term "Commission" means the National Commission Against Discrimination in Employment, created by section 6 hereof.

EXEMPTIONS

SEC. 4. This Act shall not apply to any State or municipality or political subdivision thereof, or to any religious, charitable, fraternal, social, educational, or sectarian corporation or association, not organized for private profit, other than labor organizations.

UNLAWFUL EMPLOYMENT PRACTICES DEFINED

SEC. 5. (a) It shall be an unlawful employment practice for an employer—

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, religion, color, national origin or ancestry;

(2) to utilize in the hiring or recruitment of individuals for employment any employment agency,

placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, religion, color, national origin, or ancestry.

(b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, because of such individual's race, religion, color, national origin, or ancestry.

(c) It shall be an unlawful employment practice for any employer or labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this Act.

THE NATIONAL COMMISSION AGAINST DISCRIMINATION IN EMPLOYMENT

SEC. 6. (a) There is hereby created a commission to be known as the National Commission Against Discrimination in Employment, which shall be composed of seven

members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years, but their successors shall be appointed for terms of seven years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the cases it has heard; the decisions it has rendered; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further

reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of $10,000 a year.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States. Any such agent designated to conduct a proceeding or a hearing shall be a resident of the Federal judicial circuit, as defined in sections 116 and 308 of the Judicial Code, as amended (U. S. C. Annotated, title 28, secs. 211 and 450), within which the alleged unlawful employment practice occurred.

(g) The Commission shall have power—

(1) to appoint such agents and employees as it deems necessary to assist it in the performance of its functions;

(2) to cooperate with regional, State, local, and other agencies;

(3) to pay to witnesses whose depositions are taken

or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) to furnish to persons subject to this Act such technical assistance as they may request to further their compliance with this Act or any order issued thereunder;

(5) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this Act, to assist in such effectuation by conciliation or other remedial action;

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make the results of such studies available to interested governmental and nongovernmental agencies; and

(7) to create such local, State, or regional advisory and conciliation councils as in its judgment will aid in effectuating the purpose of this Act, and the Commission may empower them to study the problem or specific instances of discrimination in employment because of race, religion, color, national origin, or ancestry and to foster through community effort or otherwise good-will, cooperation, and conciliation among the groups and elements of the population, and make

recommendations to the Commission for the development of policies and procedures in general and in specific instances. Such advisory and conciliation councils shall be composed of representative citizens residents of the area for which they are appointed, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the Commission may make provision for technical and clerical assistance to such councils and for the expenses of such assistance.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 7. (a) Whenever a sworn written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to the Act has engaged in any unlawful employment practice, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during such endeavors may be used as evidence in any subsequent proceeding.

(b) If the Commission fails to effect the elimination of such unlawful employment practice and to obtain volun-

tary compliance with this Act, or in advance thereof if circumstances so warrant, it shall cause a copy of such written charge to be served upon such person who has allegedly committed any unlawful employment practice, hereinafter called the respondent, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such charge.

(c) The member of the Commission who filed a charge shall not participate in a hearing thereon or in a trial thereof.

(d) At the conclusion of a hearing before a member or designated agent of the Commission the entire record thereof shall be transferred to the Commission, which shall designate three of its qualified members to sit as the Commission and to hear on such record the parties at a time and place to be specified upon reasonable notice.

(e) All testimony shall be taken under oath.

(f) The respondent shall have the right to file a verified answer to such written charge and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(g) The Commission or the member or designated agent conducting such hearing shall have the power reason-

ably and fairly to amend any written charge, and the respondent shall have like power to amend its answer.

(h) Any written charge filed pursuant to this section must be filed within one year after the commission of the alleged unlawful employment practice.

(i) If upon the record, including all the testimony taken, the Commission shall find that any person named in the written charge has engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay, as will effectuate the policies of the Act. If upon the record, including all the testimony taken, the Commission shall find that no person named in the written charge has engaged or is engaging in any unlawful employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(j) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(k) The proceedings held pursuant to this section shall

be conducted in conformity with the standards and limitations of sections 5, 6, 7, and 8 of the Administrative Procedure Act, Public Law 404, Seventy-ninth Congress, June 11, 1946.

JUDICIAL REVIEW

SEC. 8. (a) The Commission shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia) or, if the circuit court of appeals to which application might be made is in vacation, any district court of the United States (including the Supreme Court of the District of Columbia) within any circuit wherein the unlawful employment practice in question occurred, or wherein the respondent transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10c and 10e of the Administrative Procedure Act.

(b) Upon such filing, the court shall cause notice thereof to be served upon such respondent and thereupon

shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(c) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent and to be made a part of the transcript.

(e) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings and its recommendations, if any, for the modification or setting aside of its original order.

(f) The jurisdiction of the court shall be exclusive and

its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals, if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

(g) Any person aggrieved by a final order of the Commission may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person transacts business, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (a), and shall have the same exclusive jurisdiction to grant to the petitioner or the Commission such temporary relief or restraining order as it deems just and proper, and in like

manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(h) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by sections 10a and 10b of the Administrative Procedure Act.

(i) The commencement of proceedings under subsection (a) or (g) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

INVESTIGATORY POWERS

SEC. 9. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this Act, the Commission, or any member thereof, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent conducting such investigation, proceeding, or hearing.

(b) Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths, examine witnesses, and receive evidence.

(c) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(d) In case of contumacy or refusal to obey a subpena issued to any person under this Act, any district court of the United States, or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

(e) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled,

after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

ENFORCEMENT OF ORDERS DIRECTED TO GOVERNMENT AGENCIES

SEC. 10. The provisions of section 8 shall not apply with respect to an order of the Commission under section 7 directed to any agency or instrumentality of the United States, or of any Territory or possession thereof, or any officer or employee thereof. The Commission may request the President to take such action as he deems appropriate to obtain compliance with such orders. The President shall have power to provide for the establishment of rules and regulations to prevent the committing or continuing of any unlawful employment practice as herein defined by any person who makes a contract with any agency or instrumentality of the United States (excluding any State or political subdivision thereof) or of any Territory or possession of the United States, which contract requires the employment of at least fifty individuals. Such rules and regulations shall be enforced by the Commission according to the procedure hereinbefore provided

NOTICES TO BE POSTED

SEC. 11. (a) Every employer and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the Commission setting forth excerpts of the Act and such other relevant information which the Commission deems appropriate to effectuate the purposes of the Act.

(b) A willful violation of this section shall be punishable by a fine of not less than $100 or more than $500 for each separate offense.

VETERANS' PREFERANCE

SEC. 12. Nothing contained in this Act shall be construed to repeal or modify any Federal or State law creating special rights or preferences for veterans.

RULES AND REGULATIONS

SEC. 13. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this Act. If at any time after the issuance of any such regulation or any amendment or rescission thereof, there is passed a concurrent resolution of the two Houses of the Congress stating in substance that the Congress disapproves such regulation, amendment, or rescission, such disapproved regulation, amendment, or rescission shall not be effective after the date of the passage of such concurrent resolution nor shall any regulation or

amendment having the same effect as that concerning which the concurrent resolution was passed be issued thereafter by the Commission.

(b) Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 14. Whoever shall forcibly resist, oppose, impede, intimidate or interfere with a member, agent, or employee of the Commission while engaged in the performance of duties under this Act, or because of such performance, shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or by both.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

80TH CONGRESS
1ST SESSION

S. 984

A BILL

To prohibit discrimination in employment because of race, religion, color, national origin, or ancestry.

By Mr. IVES, Mr. SALTONSTALL, Mr. SMITH, Mr. MORSE, Mr. CHAVEZ, Mr. DOWNEY, Mr. MURRAY, and Mr. MYERS

MARCH 27 (legislative day, MARCH 24), 1947
Read twice and referred to the Committee on Labor and Public Welfare

79TH CONGRESS
1ST SESSION

S. RES. 122

IN THE SENATE OF THE UNITED STATES

APRIL 30 (legislative day, APRIL 16), 1945

Mr. FULBRIGHT (for himself and Mr. TAFT) submitted the following resolution; which was referred to the Committee on Education and Labor

RESOLUTION

Whereas the future peace and security of the American and of all other peoples rest upon the achievement of mutual understanding among the peoples of the world: Now, therefore, be it

Resolved, That the Senate of the United States urges the participation by the Government of the United States in the organization by the nations of the world of an International Office of Education, for the purpose of advising together and considering problems of international educational and cultural relations throughout the world, and more particularly for the purpose of organizing a permanent international agency to promote educational and cultural relations, the exchange of students and scholars, and the encouragement within each country of friendly relations among nations, peoples, and cultural groups; provided that such agency shall not interfere with educationl systems or programs within the several nations, or their administration.

79TH CONGRESS
1st Session

S. RES. 122

RESOLUTION

Relative to participation by the Government of the United States in the organization by the nations of the world of an International Office of Education.

By Mr. FULBRIGHT and Mr. TAFT

APRIL 30 (legislative day, APRIL 16), 1945

Referred to the Committee on Education and Labor

Mc-Fet C Bill

Calendar No. 286

79TH CONGRESS
1ST SESSION

S. 101

[Report No. 290]

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1945

Mr. CHAVEZ (for himself, Mr. DOWNEY, Mr. WAGNER, Mr. MURRAY, Mr. CAPPER, Mr. LANGER, and Mr. AIKEN) introduced the following bill; which was read twice and referred to the Committee on Education and Labor

MAY 24, 1945

Reported by Mr. CHAVEZ, without amendment

A BILL

To prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects commerce.

It is hereby declared to be the policy of the United States to eliminate such discrimination in all employment relations which fall within the jurisdiction or control of the Federal Government as hereinafter set forth.

RIGHT TO FREEDOM FROM DISCRIMINATION IN EMPLOYMENT

SEC. 2. The right to work and to seek work without discrimination because of race, creed, color, national origin, or ancestry is declared to be an immunity, of all citizens of the United States, which shall not be abridged by any State or by an instrumentality or creature of the United States or of any State.

UNFAIR EMPLOYMENT PRACTICES DEFINED

SEC. 3. (a) It shall be an unfair employment practice for any employer within the scope of this Act—

(1) to refuse to hire any person because of such person's race, creed, color, national origin, or ancestry;

(2) to discharge any person from employment because of such person's race, creed, color, national origin, or ancestry;

(3) to discriminate against any person in compensation or in other terms or conditions of employment because of such person's race, creed color, national origin, or ancestry; and

(4) to confine or limit recruitment or hiring of

persons for employment to any employment agency, placement service, training school or center, labor union or organization, or any other source that discriminates against persons because of their race, color, creed, national origin or ancestry.

(b) It shall be an unfair employment practice for any labor union within the scope of this Act—

(1) to deny full membership rights and privileges to any person because of such person's race, creed, color, national origin, or ancestry;

(2) to expel from membership any person because of such person's race, creed, color, national origin, or ancestry; or

(3) to discriminate against any member, employer or employee because of such person's race, creed, color national origin or ancestry.

(c) It shall be an unfair employment practice for any employer or labor union within the scope of this Act to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden by this Act or because he has filed a charge, testified, or assisted in any proceeding under this Act.

SCOPE OF ACT

SEC. 4. (a) This Act shall apply to any employer having in his employ six or more persons, who is (1) engaged in

interstate or foreign commerce or in operations affecting such commerce; (2) under contract with the United States or any agency thereof or performing work, under subcontract or otherwise, called for by a contract to which the United States or any agency thereof is a party, awarded, negotiated, or renegotiated as hereinafter provided in section 13 of this Act.

(b) This Act shall apply to any labor union which has six or more members who are engaged in interstate or foreign commerce or in operations affecting such commerce or employed by the United States or any Territory, insular possession, or instrumentality thereof.

(c) This Act shall apply to the employment practices of the United States and of every Territory, insular possession, agency, or instrumentality thereof, except that paragraphs (e) and (f) of section 10, providing for petitions for enforcement and review, shall not apply in any case in which an order has been issued against any department or independent agency of the United States; but in any such case the Fair Employment Practice Commission established by section 5 of this Act may petition the President for the enforcement of any such lawful order, and it shall thereupon be the duty of the President to take such measures as may secure obedience to any such order. Every officer,

agent, or employee who willfully violates any such order shall be summarily discharged from the Government employ.

FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 5. For the purpose of securing enforcement of the foregoing rights and preventing unfair employment practices on the part of employers and labor unions, there is hereby established a commission to be known as the Fair Employment Practice Commission, which shall consist of a Chairman and four additional members to be appointed by the President, by and with the advice and consent of the Senate, who shall serve for a term of five years except that the terms of the members originally appointed shall expire seriatim at intervals of one year. Any member of the Commission may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Three members of the Commission shall at all times constitute a quorum.

REPORTS

SEC. 6. The Commission shall at the close of each fiscal year make a report in writing to the Congress and to the President concerning the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Commission, and an account of all moneys it has disbursed,

and shall make such further reports on the cause of, and means of alleviating discrimination, and such recommendations for further legislation as may appear desirable.

SALARIES

SEC. 7. Each member of the Commission shall receive a salary of $10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.

TERMINATION OF COMMITTEE ON FAIR EMPLOYMENT PRACTICE

SEC. 8. Upon the appointment of the members of the Commission, the Committee on Fair Employment Practice, established by Executive Order Numbered 9346 of May 27, 1943, shall cease to exist. All employees of the said Committee shall be transferred to and become employees of the Commission. All records, papers, and property of the Committee shall pass into the possession of the Commission, and all unexpended funds and appropriations for the use and maintenance of the Committee shall be available to the Commission.

LOCATION OF OFFICES

SEC. 9. The Commission shall hold its sessions in the District of Columbia and at such other places as it may designate. The Commission may, by one or more of its members or by such referees, agents, or agencies as it may

designate, prosecute any inquiry or conduct any hearing necessary to its functions in any part of the United States or any Territory or insular possession thereof.

PROHIBITION OF UNFAIR EMPLOYMENT PRACTICES

SEC. 10. (a) The Commission is empowered as herein provided to prohibit any person from engaging in any unfair employment practices within the scope of this Act.

(b) Whenever it is alleged that any person has engaged in any such unfair employment practice, the Commission, or any referee, agent, or agency designated by the Commission for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Commission or a member thereof, or before a designated referee, agent, or agency at a place therein fixed not less than ten days after the serving of said complaint.

(c) The person so complained of shall have the right to file an answer to such complaint and to appear in person or otherwise, with or without counsel, and give testimony at the place and time fixed in the complaint.

(d) If upon the record, including all the testimony taken, the Commission shall find that any person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order

requiring such person to cease and desist from such unfair employment practice and to take such affirmative action, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this Act. If upon the record, including all the testimony taken, the Commission shall find that no person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(e) The Commission shall have power to petition any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia) or, if all the circuit court of appeals to which application might be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair employment practice in question occurred, or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court to which petition is made shall conduct further proceedings in conformity with the procedures and limitations

established by law governing petitions for enforcement of the orders of the National Labor Relations Board.

(f) Any person aggrieved by a final order of the Commission granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia) within any circuit wherein the unfair employment practice in question was alleged to have occurred or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the Commission be modified or set aside. Upon such filing, the reviewing court shall conduct further proceedings in conformity with the procedures and limitations established by law governing petitions for review of the orders of the National Labor Relations Board.

INVESTIGATORY POWERS

SEC. 11. (a) For the purpose of all hearings and investigations which in the opinion of the Commission are necessary and proper for the exercise of the powers vested in it by this Act, the Commission, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in

question. Any member of the Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Commission, its member, agent, or agency conducting the hearing or investigation. Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under in-

vestigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

RULES AND REGULATIONS

SEC. 12. The Commission shall have authority from time to time to make, amend, and rescind such regulations as may be necessary to carry out the provisions of this Act. Such regulations shall be effective sixty days after transmission to the Congress unless the Congress has in the interim amended or nullified such regulations by appropriate legislation or has adjourned within thirty days after the submission of such regulations. Such regulations shall include the

procedure for service and amendment of complaints, for intervention in proceedings before the Commission, for the taking of testimony and its reduction to writing, for the modification of the findings or orders prior to the filing of records in court, for the service and return of process and fees of witnesses, and with respect to the seal of the Commission, which shall be judicially noticed, the payment of expenses of members and employees of the Commission, the qualification and disqualification of members and employees and any other matters appropriate in the execution of the provisions of this Act.

GOVERNMENT CONTRACTS

SEC. 13. (a) All contracting agencies of the Government of the United States shall include in all contracts hereafter awarded, negotiated, or renegotiated by them, except such classes of contracts as may be exempted from the scope of this provision by regulation adopted pursuant to section 12 of this Act, a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, or ancestry, and requiring him to include a similar provision in all subcontracts.

(b) No contract shall be awarded or executed by the United States or any agency thereof to any person found by

the Commission to have violated any of the provisions of this Act or to any firm, corporation, partnership, or association in which such person has a controlling interest, for a period to be fixed by the Commission not to exceed three years from the date when the Commission determines such violation to have occurred. The Commission may by subsequent order, for good cause shown, reduce any period so fixed. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of such persons.

WILLFUL INTERFERENCE WITH COMMISSION AGENTS

SEC. 14. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Commission or any of its referees, agents, or agencies, in the performance of duties pursuant to this Act, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of such Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

DEFINITIONS

SEC. 16. (1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of any employer, directly or indirectly, and includes the United States and every Territory, insular possession, and agency or instrumentality thereof.

(3) The term "labor union" includes any organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning the terms or conditions of employment.

(4) Unless otherwise specified, the term "Commission" means the Fair Employment Practice Commission created by section 5 of this Act.

(5) The term "Committee" means the Committee on Fair Employment Practice established by Executive Order Numbered 9346 of May 27, 1943.

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but

through any other State or Territory or the District of Columbia or any foreign country.

(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

SEC. 17. This Act may be cited as the "Fair Employment Practice Act."

Calendar No. 286

79TH CONGRESS
1ST SESSION

S. 101

[Report No. 290]

A BILL

To prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

By Mr. CHAVEZ, Mr. DOWNEY, Mr. WAGNER, Mr. MURRAY, Mr. CAPPER, Mr. LANGER, and Mr. AIKEN

JANUARY 6, 1945
Read twice and referred to the Committee on Education and Labor

MAY 24, 1945
Reported without amendment

(Not printed at Government expense)

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 79th CONGRESS, FIRST SESSION

Monsignor Ryan

EXTENSION OF REMARKS
OF
HON. DENNIS CHAVEZ
OF NEW MEXICO
IN THE SENATE OF THE UNITED STATES

Thursday, September 20 (legislative day of Monday, September 10), 1945

Mr. CHAVEZ. Mr. President, several days ago there died in the State of Minnesota one of the finest proponents of the American way of life who has ever lived. He was Monsignor John Augustine Ryan.

For many years Monsignor Ryan carried out in an orderly way a revolution similar to the political and military revolution inspired by Washington and the other American heroes of 1776. He understood the philosophy of the Declaration of Independence and the Constitution of the United States and the effect of those documents on the coming generations of Americans.

Since his death much has been written about Monsignor Ryan. Therefore I ask unanimous consent to have printed in the Appendix of the RECORD a statement made by Monsignor Ryan before the subcommittee of the Committee on Education and Labor dealing with the consideration of Senate bill 2048, prohibiting discrimination in employment because of race, creed, color, national origin, or ancestry. It was my good fortune to be chairman of that subcommittee.

I also ask unanimous consent to have printed in the Appendix of the RECORD an article written by Bishop G. Bromley Oxnam, president of the Federal Council of the Churches of Christ in America, and appearing in the American magazine for October 1945. The article is entitled "The Nazis Aren't Licked Yet," and it deals with matters which were close to the heart of Monsignor Ryan.

I also ask unanimous consent to have printed in the Appendix of the RECORD an editorial entitled "Monsignor Ryan," published in the Washington Post of Wednesday, September 19, 1945.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR, UNITED STATES SENATE, SEVENTY-EIGHTH CONGRESS, SECOND SESSION, ON S. 2048, A BILL TO PROHIBIT DISCRIMINATION IN EMPLOYMENT BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, OR ANCESTRY

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE
ON EDUCATION AND LABOR,
Washington, D. C., August 31, 1944.

The subcommittee met at 10:30 a. m., pursuant to adjournment, in room 357, Senate Office Building, Senator DENNIS CHAVEZ (chairman of the subcommittee) presiding.

Present: Senators CHAVEZ and AIKEN.

Senator CHAVEZ. The committee will come to order. Monsignor Ryan.

STATEMENT OF RT. REV. JOHN A. RYAN, D. D., NATIONAL COUNCIL FOR PERMANENT FAIR EMPLOYMENT PRACTICES COMMISSION, WASHINGTON, D. C.

Senator CHAVEZ. Monsignor, I believe we sent you an invitation to appear before the committee to express your views on the pending legislation which is for a permanent FEPC.

Right Reverend RYAN. Yes.

Senator CHAVEZ. Will you kindly identify yourself for the record and then make your statement?

Right Reverend RYAN. I am Rt. Rev. John A. Ryan, D. D., professor of political science of Trinity College, and social ethics of the National Catholic School of Social Service, and I am representing the National Council for Permanent Fair Employment Practices Commission.

Senator CHAVEZ. Thank you. You may make your statement to the committee.

Right Reverend RYAN. Mr. Chairman and members of the committee, for the last 42 years, I have taught the principles and rules of morality to various groups of students, comprising priests, seminarians, nuns, laymen, and laywomen. It is from that point of view, the point of view of moral right and moral wrong, that I wish to advocate briefly the enactment of the bill which is the subject of this hearing.

Among the grievances suffered by certain minorities in our population the most grave and the most fundamental are those which we call economic. There are many occupations from which the Negro is excluded because of the color of his skin. Sometimes the offender is the employer, sometimes it is the employees. When an employer refuses to hire Negroes because he dislikes to have them in his presence or to come into constant contact with them, his reason is clearly racial, or if you prefer, psychological. When an employer excludes all Negroes because he has found some of them unreliable his motive is economic, but he acts unfairly when he penalizes a whole group on account of the faults of individuals. When he refuses to employ Negroes because his white employees will not work beside them, his motive is economic, and in the circumstances it may be excusable. When his refusal is dictated by the assumption that Negroes should be kept in menial occupations, his conduct is uncharitable and contemptible.

In all these cases, the human dignity of the Negro is outraged and the virtues of justice or charity, or both, are violated. The Negro worker is not treated as a man possessing a natural right to reasonable intercourse with his fellows, nor as a brother having the same needs and claims as the white employer and the white employee.

Sometimes the Negro is excluded from certain occupations by the rules and practices of labor unions. This is even more reprehensible than exclusion by employers; for the wage earners have themselves been the victims of oppression by stronger economic classes. It must be noted, however, that the majority of those unions which refuse to admit Negroes are moved, not by racial prejudices, but by practical economics. The unions desire to keep the jobs for their own members or for their relatives and friends. This is clearly illustrated in the case of the 2,400 Negro firemen in the South who, through an agreement between the railroad managers and the Brotherhood of Locomotive Firemen and Enginemen, have been denied promotion to the position of engine drivers.

Even the economic motive does not justify the exclusion of Negroes from employment. Job scarcity should be dealt with in some other way than through the exclusion of a whole class. The sooner the unions discard this practice, the sooner will they bring about a rational and ethical solution of this very real difficulty. My conclusion, then, is that those discriminations by the unions are nearly always against charity and frequently against justice.

The most recent and one of the most flagrant instances of job discrimination was perpetrated a few weeks ago on the lines of the Philadelphia Rapid Transit Co. Practically all the employees of that concern went out on strike against the promotion of less than 10 Negro employees to the position of motormen on the busses and streetcars. It was particularly flagrant because it deprived several hundred thousand citizens of transportation and prevented the production of an enormous amout of vital war materials. Apparently the responsibility for the strike was shared in a secondary degree by the officials of the Philadelphia Rapid Transit Co.

In passing I should like to bring to your attention a historical event that I think contains a lesson in this whole situation of racial and other intolerances, when 100 years ago, in the same city of Philadelphia, there occurred a much more deadly and devastating race conflict than the one that occurred in Philadelphia a few weeks ago. That conflict was carried on not against the Negroes but Irish Catholics. In the course of the rioting at least one Catholic Church and several Catholic convents were burned. Now, it is not certain but it may well be that two of the leaders of the recent strike, bearing distinctive Irish names, are descendants of persons, Irish Catholics, who suffered in that rioting in Philadelphia a century ago. At any rate, the thing contains a lesson, I think, for us in regard to all racial or other discriminations and intolerances.

Senator CHAVEZ. May I interrupt, Monsignor Ryan? What is to me extremely confusing is that people who have suffered intolerance do not themselves become tolerant. I am not saying that this is true in regard to all of them, but we all know that throughout the years the people of Ireland have suffered from intolerance, and many persons of Irish extraction left Ireland to come to the United States in order to get away from that intolerance, and I cannot understand why one who has suffered, or whose people have suffered intolerance, should come to the United States, accept the privileges that are afforded them here, and then practice intolerance themselves.

Right Reverend RYAN. Unfortunately, Senator, that seems to be human nature. It is manifested not only by the Irish who have come to this country, as you say, and have become intolerant to others, but that is manifested by the Czechs with regard to the

Slovaks, and by the Poles with regard to the Lithuanians. It seems there is in all of us a strong sense of what a distinguished British economist, John A. Hobson, characterised many years ago as the "passion for distinction." If you haven't distinction generally in the community, you can find some group over which you can lord and you have that distinction.

Senator AIKEN. Monsignor Ryan, are you familiar enough with the Philadelphia situation to know whether the promotion of the 8 or 10 Negroes at this time was necessary to the orderly operation of the transit company's business or not?

Right Reverend RYAN. I think that is a matter of relative unimportance. The company did want more motormen and it was going to upgrade these men who were already employees in other capacities of the company, upgrade them to the position of motorman.

Senator AIKEN. I notice you do not hold the transit company wholly without blame in this matter.

Right Reverend RYAN. No.

Senator AIKEN. I was wondering whether the transit company promoted these Negroes at this time, realizing that it would precipitate the labor crisis.

Right Reverend RYAN. I do not know. I should not like to say that. The immediate factor there was the order of the President's Fair Employment Practice Committee to the company to upgrade these men, to put them in the position of motorman.

Senator AIKEN. How would the company be partly to blame for the situation then?

Right Reverend RYAN. I said apparently, and the grand jury probably will report on that when it reports, but the reason for that assumption is that the company did not make very great effort to settle the strike, or certainly not to put other persons in the positions of the strikers, and it did provide the facilities in the barns, light, and so on, for the meetings of the strikers.

Senator AIKEN. The company had previously refused or neglected to advance Negroes?

Right Reverend RYAN. Well, it had not been doing it. I suppose it was the custom, as it is in many other places.

In passing, I should like to note that the street railways in Los Angeles only a few days ago decided to follow the directive, if that is what it is called, of the Fair Employment Practices Committee and employ Negroes as motormen. So that something has been done, but there is a lesson in this Philadelphia thing of 100 years ago. I heard that lesson drawn something over 50 years ago in a debate between a distinguished citizen of my own State, Ignactius Donnelly, and a Mr. Sims, who represented the A. P. A. The debate was over A. P. A. Donnelly, the man I am speaking of, was born in Philadelphia, he was brought up there, and he said to Sims at one debate, "I stood on the roof of my mother's house in Philadelphia and saw the sky red with the flames of burning Catholic churches and convents. No, Mr. Sims," he said, turning to Sims, "we don't want a revival of this religious prejudice."

Well, we can have the same things happening on account of economic discriminations, and this economic discrimination was prominent in the Philadelphia religious riot. The persons who started the rioting feared that these "ignorant Irish"—that is the way they looked upon them—would take their places in the economic scheme.

Senator AIKEN. Monsignor Ryan, do you anticipate that the condition will be aggravated as unemployment increases?

Right Rev. RYAN. Oh, I think there is no doubt about that.

Such discrimination, whether practiced by employees or by employers, is definitely immoral. It is immoral because it violates the moral precepts of charity and justice. The precept of charity is expressed in the command: "Thou shalt love they neighbor as thyself." This injunction is a part of the moral law of nature; it was proclaimed by God Himself to the ancient Hebrews; it was reaffirmed and perfected by Christ for all mankind. According to the teaching of Christ, the neighbor, whom we are commanded to love, comprises the whole human race. However, this precept does not bid us love the neighbor as much as we love ourselves. It commands us to love him in the same way as we love ourselves, as a fellow human being who possessed the same nature and needs; to love him as a person who has intrinsic worth, as a person who is our equal because, like us, he possesses an immortal soul. This is true of every human being, be his skin white, black, brown, yellow, or any combination or mixture of these colors.

The Christian precept of brotherly love is not satisfied by mere well-wishing, nor benevolent emotion, nor sentimental yearning. It requires action, action which assists the neighbor who is in need. Now, the need of a job or of a better job is as great in the case of a Negro or a Mexican as it is in the case of a white American. By the precept of brotherly love the white American is morally obliged to assist Negroes or Mexicans or any other minority group to get employment whenever he can do so without unreasonable or disproportionate inconvenience. That is, this obligation arises whenever there is a reasonable proportion between the need of the employee and the inconvenience, if any, that would be experienced by employer or fellow employees. Of course, no one is obliged to give up his own job to any other man, nor to provide him with employment at great personal sacrifice. Nothing of this sort is involved in the demand that the white employer or the white employee refrain from practices of discrimination; for the employer merely refrains from refusing to employ competent Negroes or Mexicans, while the employee merely works with them in the same shop or establishment. The inconvenience, or hardship, which this course would impose upon the former is so slight as to be negligible. The same man who sometimes refuses to hire Negroes in his store or factory willingly employs them in his kitchen and dining room. His discriminatory practices are entirely illogical. They are due to prejudice arising from irrational customs and traditions. In some cases the refusal of white employees to work beside Negroes derives from the same irrational and un-Christian prejudices. Insofar as their attitude arises from fear that Negroes will take their jobs, it is exaggerated or reflects a desire to maintain a selfish and unjust monopoly. This extends much further than the racial question. Unions have indulged in such practices. It is understandable, but we do not want a monopoly anywhere. In a word, neither employers nor employees are justified in practicing discrimination on the ground of disproportional or unreasonable inconvenience. Consequently, they violate the precept of charity or brotherly love. Their conduct is definitely immoral as if they committed theft or murder.

So much for the precept of charity. The economic discrimination of which I have been speaking is likewise contrary to the precept of justice. When God created the earth and commanded man to get a living therefrom by the "sweat of his brow," He did not exclude any race or group from either the benefits or the burdens of this arrangement. Hence every human being has a natural right of access to the bounty of Nature and the opportunity of getting a decent livelihood. This right is a necessary means to life and reasonable self-development. And it inheres equally in all the children of men. When, as is the case today, political and economic society is so organized that some men can enjoy this right only through contracts for the sale of their labor, then they have a right to obtain these contracts on reasonable terms. The employer who refuses such contracts to any group, when he could do so without unreasonable inconvenience to himself, definitely violates this right. The employee who refuses to work beside a member of any group, or excludes him from a labor union, likewise violates the right of his fellow men to access to the bounty of the earth on reasonable terms. As I have stated above, neither the employer nor the employee who discriminates against Negroes or Mexicans would suffer unreasonable or disproportionate inconvenience by refraining from such discrimination. When either of them is guilty of such conduct he violates not only charity but justice.

The foregoing argument may strike some of you as technical and metaphysical. It is that, but all moral arguments must ultimately rest upon such a foundation. While I do not belittle arguments which are drawn from the traditions associated with our Bill of Rights or from human sentiment or human sympathy, I maintain that the most solid and scientific arguments are those based upon the moral law.

The saddest feature of the situation is that the opposition to the pending bill derives, not from reason and knowledge, but from irrational custom, evil tradition, and palpable ignorance. It is asserted that the Negro "must be kept in his place," namely, in menial occupations and in a condition of servile dependence. This theory is based on the evil tradition which began in the days when the Negro was a human chattel. It has no warrant in either divine revelation or the law of Nature. The assertion that association with Negroes in work places would be distasteful and intolerable is refuted by the peaceful association of the two races in other relations of life; and by testimony before the President's Fair Employment Practice Committee to the effect that Negroes and whites do get along amicably together in many industrial establishments. Those who honestly maintain that the thing cannot be done are simply ignorant of the facts. They do not know what has been accomplished and they imagine difficulties that do not exist. Those who have had the experience of working with Negroes find that their previous fears and imaginings were without factual foundation.

The problem of white working side by side with Negroes is no more difficult than that involved in the association of the two races in the schoolroom. Some 10 years ago, I directed the members of my class in social ethics at the National Catholic School of Social Service to put down on paper their opinions concerning the proposed admission of Negro students to that institution. All the students of NCSSS are college graduates. A small minority of those who engaged in this exercise were unfavorable to the proposal, on the grounds that it was distasteful and would not work. A short time later Negro girls were admitted to the classes of NCSSS without any opposition or excitement on the part of the white students. If I were to assign a similar task to the students today, I doubt that even one of them would condemn the existing arrangement. For several years now, I have had three or more Negroes in my own class. I have seen white and Negro girls sitting side by side in the class room and associating in periods of recreation. There has been no friction, no tension, nor any avoidance nor attitude of superiority manifested by either group. Some of the Negro students are not Catholics. Yet the members of both races treat all their fellow students, without distinction of color according to the principles of Christianity, right reason, and genuine Americanism. There is no reason whatsoever why the same attitude and spirit should not prevail among members of the two races in the realm of industry.

Senator CHAVEZ. Monsignor Ryan, you have spoken of the divine right of the human,

and you have spoken of several other rights that the human is entitled to, but, as I recall, you did not touch on the right under the law of the land.

Right Reverend RYAN. No.

Senator CHAVEZ. The Constitution, as I recall it, does not differentiate as to who is an American when it comes to racial ancestry. It does not say that the American must be one whose ancestors came from England or Ireland or Mexico. It appears to me that the proposed legislation would be in keeping with the Constitution and the laws of the land.

Right Reverend RYAN. Oh, absolutely, but I do not think the Constitution, or the law of the land as now implemented, would cover this situation. May I say I read the bill with a great deal of interest and I think it is very ingenious, very well suited to obtain the ends sought, because it bases itself on the interestate commerce clause of the Constitution. That is clear.

Senator CHAVEZ. The Constitution defines certain rights, but those rights would have to be implemented by basic law.

Right Reverend RYAN. Surely.

Senator CHAVEZ. It was with that purpose in mind that the sponsors of the legislation drafted this bill.

Right Reverend RYAN. There is no doubt that the spirit of the Constitution and of general legislation throughout our history sponsors this kind of thing, but the definite implementation is wanting, and I think that is provided adequately in this bill.

Senator CHAVEZ. And it is also true that in times of emergency, a condition such as we are going through now, when the boys have to do some fighting either against the Japs, Germans, or any common enemy, this discrimination seems to fade away on the battlefield. Isn't that true, Monsignor?

Right Reverend RYAN. Oh, surely. I suppose those considerations are at the basis of the President's Fair Employment Practice Committee. You know better than I do that it has only limited authority, but that is what it is based upon, the emergency.

Senator CHAVEZ. I have a particular instance in mind. There lived in New Mexico a family by the name of Martinez. Due to circumstances they had to go to Colorado, to the beet fields. Well, the war came along, and John Martinez was one of the soldiers that landed at Attu, Aleutian Islands. He was killed. He was the first private to receive the Congressional Medal of Honor. But in the same State of Colorado his sister would be deprived of a job. He could be decorated or honored after he died, and the only decoration he has over his body is a white cross, but, nevertheless, through intolerance his sister would probably be deprived of even working in a restaurant. Those things do not seem to me to be American. Something should be done.

Right Reverend RYAN. Yes. Surprisingly few Americans realize the grievances suffered in this matter of job discrimination. That applies to a great many Mexicans and perhaps others of Spanish descent, and, as testified here yesterday, to Jews, but I confine myself mostly to Negroes. I remember at one of the first hearings by the Fair Employment Practice Committee, under the chairmanship of my friend and former pupil, Monsignor—now Bishop—Haas, a young man 18 or 19 years of age, who graduated from a high school in Nebraska, born in Nebraska, or at least born in the United States, testified that he could not get a job because he was a Mexican. Well, when Bill Jeffers, the president of the road, heard about that, he hit the ceiling. He said, "There will be no more of that on the Union Pacific Railroad," and it was on the Union Pacific Railroad that this man was seeking employment.

Senator CHAVEZ. There were several instances in connection with Irishmen on the same railroad, and I want to say right here that every time they came up the wrong has been rectified.

Do you have anything further today?

Right Reverend RYAN. Nothing further.

Senator CHAVEZ. Thank you.

[From the American Magazine of October 1945]

THE NAZIS AREN'T LICKED YET

(By Bishop G. Bromley Oxnam, president of the Federal Council of the Churches of Christ in America)

A few days ago my secretary called up a railroad ticket office to get me reservations from New York City to Washington.

"Is the bishop white or colored?" asked the clerk.

"White," she said. "Why do you ask?"

"Colored people," he explained, "can't ride in the parlor car."

When my secretary told me about it I simply said, "Well, all the Nazis haven't been licked yet. We've got them in America, too."

Now that Germany is destroyed and the vicious leaders of the Nazi Party dead or imprisoned, we contentedly imagine that nazism has perished from the face of the earth. I wish it were so.

But nazism is not merely a political philosophy or a system of government. It is a condition of the human heart, a state of mind. It is man's inhumanity to man masquerading in a brown or a black shirt, or even in the white collar of respectability. This state of mind breeds sin, bigotry, intolerance, selfishness, greed, cruelty, Godlessness. In Germany we saw nazism in full flower—a poisonous flower. We saw it in its organized form. In America we see only its little seedlings, here and there, unrecognized for what they are. Beware of them.

The man who excludes a Negro from any of the privileges of this democracy, who connives with a real-estate agent to exclude a Jew from a neighborhood, who sets up barriers against any human being because of his race or his creed, is a Nazi. He may cheer the returning troops, he may shout at the news reel when our guns blast a swastika from a German sports stadium, he may weep at the sight of Old Glory on the hill at Iwo Jima, but he is a Nazi just the same. He is an oppressor of peoples, an enemy of freedom, a bigot. He is laying the foundation for lynchings, riots, and the enslavement of his fellow man.

It was a limited thing, to begin with, in Germany—the persecution of a minority within the borders of one country. It ended with the attempted enslavement of virtually all the peoples on earth. The voice of that ticket agent on the t'elephone was just a whisper, a courteous inquiry for the protection of the respectability of the nice white people who ride parlor cars. A little whisper in the name of service: "Is the bishop white or colored?"

To me that voice was as loud as thunder, a noise vibrant with hate. Beware of it. You hear it in churches, in theaters, hotels, exclusive shops, clubs, and suburbs: "White or black? Jew or gentile, Catholic or Protestant?" That is Hitlerism, the voice of super race, religious intolerance, cruelty.

Some time ago, as a member of an arbitration panel of the War Labor Board, I was asked to help iron out a wage dispute between the employers and workers of a western mill. Before passing any judgment on the case I asked permission to visit the mill to appraise the human factors on the scene—find out what kind of men the employers were, how the workers lived, where their children went to school, the medical facilities, and so on. It was definitely a case for the workers; they were not receiving justice from their employer. And what made it worse was that the employer, who had been adamant in his neglect of the employees, hastened to assure me that he was a church member and a heavy contributor to the Methodist Church.

We have made great strides in this country toward political democracy. It is the freest land on earth. We have made some progress in late years toward economic democracy, too—a more liberal sharing of the abundance which our machines and workers are capable of producing. But we have a long way to go yet before we relieve the widespread poverty of our working people, improve housing, give security to the aged and incapacitated. That mill operator, like Hitler, was an enemy of economic democracy, an enemy of all good men who toil for us by the sweat of their brows.

No. The Nazis aren't all licked yet. They masquerade in Sunday-go-to-meeting coats as well as brown shirts.

I do not mean to imply by any means that all employers are guilty of hypocrisy and exploitation. American industry, even without the pressure of social legislation, has made a vast contribution to the wealth and comfort of the worker. In many cases the social enterprise of individual industrialists has provided a blueprint for progressive legislation in labor relationships. Nor do I suggest for a moment that organized workers themselves are faultless. Labor leaders or employers who exploit one another are both guilty of Hitlerism—of intolerance, coercion, group superiority. I do not care how hard they worked in their plants to defeat Germany; they are still keeping alive in this country the things they worked to destroy in the Reich.

I know the arguments against economic democracy which spring so easily from the lips of the rich and secure. "Out of economic struggle and suffering come strength and efficiency." But I do not know one of them who turns his children penniless upon the world to dig coal, hammer iron, clean streets, or sit hour upon hour in routine lever-pulling. Now and then one factory owner puts his son through various factory jobs "from the bottom up" to acquaint him with the plant, but the boy usually becomes a vice president the following year. But five thousand other men in the same plant stay at the bottom year after year, and will continue to do so as long as little Hitlers fail to repent of their sins and continue to wrest out the last drop of sweat from their workers for the lowest wage the Government forces them to pay. All too many employers pay the bare minimum wages, and this, in my judgment, is inadequate in most cases.

When I was in Germany recently, I met an army chaplain who, with the permission of the high command, had talked with 300 Germans in all walks of life. Some of them were army people, some civilians. Not one of the 300 had any personal sense of guilt for the atrocities committed by the Nazis—the torture camps, the rape of the neutral nations, the persecution of the Jews, the violation of the Geneva conventions, or the abrogation of treaties. The only regret they had was in losing the war. They saw nothing ethically wrong with Nazism. That, of course, is a characteristic of the Nazi—in Germany or America. He thinks he is right.

But how many citizens of the United States—a government of and by the people—have any sense of guilt for the evils and shortcomings of our own society, such as juvenile delinquency, race discrimination, bad housing, corrupt politics, religious intolerance; the momentous international decisions that are now being made and are yet to be made at the peace table? He who does not participate in the democracy does not believe in it. Like the Germans under Hitler, he is willing to let decisions be made elsewhere by others than himself. Apparently, he is willing for a group of leaders to take over and run his life for him.

Recently, on a tour of Europe as a representative of the General Commission on Army and Navy Chaplains, I talked with Pastor Martin Niemoller, German Confessional Church leader, after his liberation from 8 years of imprisonment in a Nazi concentration camp.

He spoke of the Nazi influence as "unhuman." It first appeared in little ways, he said, until it seemed to pervade everything. "Then," he said, "it moved down upon us from above, a vast evil, dominant and hypnotic, until we were all in its control."

Why was it not stopped, to begin with, by men of good will? Too many of them winked at its little manifestations. Having winked once, it was easy to wink again. The acceptance of atrocity became a habit. That is why I relate nonparticipation in our society and government to the rise of Nazism in Germany. The man who devotes himself to his own selfish pursuits and ignores the community in which he lives invites disaster. He is the stuff from which Hitlerism is spun.

Every American, I believe, must take an active and personal interest in his society. He must have a personal sense of guilt for its failures; a personal pride in its good works. If nazism can come down upon a vast society like an evil, all-permeating odor, so can goodness come down.

A few years ago when I was bishop of a western area of our church, the actors Lynn Fontanne and Alfred Lunt came to the city in which I lived to play Robert Sherwood's stirring indictment of war, Idiot's Delight. The mayor of the city arbitrarily decided it shouldn't be played. He thought some of the lines were too pungent for our community, and he didn't like the tone of the play, anyhow. So he banished it, the consensus of enlightened American opinion to the contrary notwithstanding.

I was incensed. I saw in the mayor's high-handed gesture not merely the censorship of a play, but an autocratic encroachment upon free speech and free press, an attack upon the freedom of our people.

I wrote a letter to the local papers denouncing the mayor's unwarranted act and suggested facetiously that his theme song well might be, "Every little damn-a must be taken from our drama." It wasn't a very good line, but it did its work well. Such a storm of protest was raised by the public that the mayor was forced to compromise. He said he would consider letting the play go on if Mr. and Mrs. Lunt would read him the script. They graciously consented, and the mayor spent a delightful hour with them.

He admitted the play wasn't so bad, after all. "If you'll strike out two words," he said, "you can put it on."

Lunt hardened. "Not one word," he said. "All or none."

That, to me, was a historic line. Freedom is like that—all or none. Grant anyone in this Nation one word or two words in attempts to dictate thought and expression, and you may end up granting the right to force a Mein Kampf down your throat, to burn the Bible and burn your histories. Let them tell you what plays to see, what books to read, and they will tell you where to work, how much to work for, whom to vote for, and whether you can walk the streets or sit in a concentration camp.

One of the churches in my area was dominated by the Ku Klux Klan some time ago. The Klan is nothing but a brown-shirt organization—a band of Nazis attempting to force their will upon a democracy. They are against freedom of worship and believe fanatically in race superiority. In the past they have been torturers and killers. To this one of my churches they had given a stained-glass window. The sight of it rankled. I wondered, every time I saw it, whether I as bishop had power enough to force them to remove that window. It was like a profanation. And then it occurred to me that the arbitrary exercise of my will against a community would be dictatorship.

What was the answer, then? Enlightenment, the changing of their hearts, repentance. All of the law and all of the force in the world will not change the human heart. That is where nazism dwells; that is where goodness dwells—in the heart where only God's law can reach. We can't defeat the Nazis in Germany by enslaving them at the point of a gun. We can lick them only by educating them, even if it takes a generation, of stern occupation by our armies.

But in victory, with the evangelism of the conquered nations on our minds, there is always the danger of complacency here at home. One cannot save a Nazi or a Japanese Fascist as long as his own heart is tinged with Hitlerism. We have laws against crime; these laws are enforced by policemen with guns. But there is no statute against meanness. That is something which is obliterated by repentance, by devoting oneself to the service of others.

The pretense of service is not adequate. Much of Hitler's Mein Kampf seems to express the noblest of social ideals—honest toil, health, joy through strength, service of the community. So wickedness masks itself in the words of goodness.

Hitler's philosophy was utilitarian and reasonable. He placed efficiency above personality, the state above the citizen. A chaplain in Germany told me recently that he had interviewed a surgeon in charge of a large German hospital, where euthanasia was practiced. The surgeon was so convinced of the justice of his acts that he had no sense of guilt.

"When a patient is useless to society," he said, "why keep him alive? Of what worth is an old man who cannot work, a soldier without arms or legs? He consumes the food and energy of others. So we simply destroy him."

That makes sense. It is reasonable. But it isn't good. When man turns from his own feelings and hardens his heart against the sacredness of human life, reason may lead him on to the torture camp, the rape of peoples, the sly renunciation of all that is holy. Believe me, logic can destroy the world if once the heart is hardened.

Logic is one of the principal weapons of the Nazi. By logic an American can reconstrue freedom and bring untold suffering upon his fellow men.

When I was a preacher in California I knew a Greek immigrant who reveled in the freedom of America. For the first time in his life he was free to make a good living. He was proud of the Constitution, the Stars and Stripes, his citizenship. He fulfilled his freedom by converting several little picturesque cottages, each built for one family, into apartment houses. They were beautiful on the outside, but within they were dark and cramped, because he had partitioned the space of each into four apartments.

There was a serious housing shortage in the community and he had no difficulty in renting each apartment for $20 a month, which gave him $80 monthly each for cottages that ordinarily rented for $30.

That was his interpretation of freedom. That is the interpretation of many other Americans, who place "free enterprise" above the economic freedom of individuals. I believe in free enterprise, but not when it is dictated by little Hitlers. I believe in free enterprise in the service of free people.

While that Greek was exploiting his fellowmen, a pneumonic plague broke out in the community. Under such congested living conditions, the epidemic moved swiftly and fatally. It finally became so menacing that the directors of a neighborhood social-service school removed all the teachers. One refused to leave. Her name was Nora Sterry.

"But you must," the chairman said sternly. "You will die here."

"All right, then," she said. "Then I shall die. But I will not leave. These are the people I serve and save."

Throughout that dreadful plague, she lived on at the school, working day and night nursing and feeding the sick.

Nora Sterry believed in the Constitution, too. She loved America, the people in it, the suffering people who came to it.

The Nazis in America or in Germany will never be licked until they stand in the presence of God, repentant and transformed, saying, "You have liberated me. I accept the freedom to serve."

[From the Washington Post of September 19, 1945]

MONSIGNOR RYAN

It was not so long ago that the name of Msgr. John Augustine Ryan, now dead at the age of 78, caused almost as many apprehensive shudders in certain privileged places as the names of Lenin and Trotsky. His clerical status was considered, even by many of his coreligionists, as the disguise of a fanatical and dangerous revolutionist, and it was probably a matter of much concern, but of no great surprise to them, when Dr. Ryan was denounced by Mrs. Elizabeth Dilling as one of the principal agents of communism in the United States. The great mystery was why the ecclesiastical authorities tolerated this radical cleric who was so constantly and tirelessly stirring up trouble among the workers by telling them they had been defrauded of their rights, who openly served on strike committees, and openly approved the child labor amendment, in plain defiance of the statement by this bishop or that theologian that such legislation would undermine the sanctity of the home.

The answer to this, of course, was that Dr. Ryan was himself a moral theologian of much repute and thoroughly orthodox. There was no real disagreement between himself and other ecclesiastics as to the moral principles involved in the conflict of capital and labor. The right of the workers to a larger share of the general wealth, and in the ownership of the tools of production, and to organize themselves for the attainment of these rights, had been set forth by Pope Leo XIII in the famous labor encyclical Rerum Novarum. The question was how such principles could be applied in a highly organized industrial society like that of the United States. Dr. Ryan's answer was that industry itself must be reorganized on democratic principles and that an end must be made of the system of "industrial feudalism" by which the economic life of the country had been governed since the Civil War.

Most of the reforms demanded by Dr. Ryan have now been accomplished, and most of the causes he had championed have been won. The most radical of them, the principle of the minimum wage, has been for some years incorporated into law. And while many besides Monsignor Ryan shared in the battle for these things, there is no doubt that his zeal, his special position, and his increasing influence on the thought of the leaders of his own church were the means overcoming many an obstacle. All in all, he was one of the most effective as well as one of the most energetic champions of labor ever to arise in the United States.

668796—13330

U. S. GOVERNMENT PRINTING OFFICE: 1945

NC-FEPC
Sml

(Not printed at Government expense)

CONGRESSIONAL RECORD

FEPC

SPEECH
OF
HON. JAMES M. MEAD
OF NEW YORK
IN THE SENATE OF THE UNITED STATES
Thursday, January 31, 1946

Mr. MEAD. Mr. President, I was proud of the earnestness, sincerity, and eloquence of the majority leader in the plea he made. It buttressed the Democratic support which this measure has received in the past. It tied the Democratic Party all the closer to this important piece of legislation. It brought to mind the initiation of this proposal by the late lamented President Franklin D. Roosevelt, a great Democrat, a great humanitarian, and a great advocate of economic opportunity. When we think of the Democratic support which this proposed legislation has received and is receiving, it is refreshing to note the present President of the United States made this observation:

Discrimination in the matter of employment against properly qualified persons because of their race, creed, or color, is not only un-American in nature, but will lead eventually to industrial strife and unrest. It has a tendency to create substandard conditions of living for a large part of our population. The principle and policy of fair-employment practice should be established permanently as a part of our national law.

Mr. President, the plain and unvarnished issue before the Senate is an economic issue—it is the issue of equal economic opportunity.

During the war we assured equality of economic opportunity, and our all-out economic effort smothered our enemies and amazed the world. We became the arsenal of democracy. We actually put into effect in America the principles of the Atlantic Charter and the four freedoms, one of which was freedom from want; that program served well in time of war. We cannot now reconvert to peace, carry out the ideals of the Atlantic Charter and of the four freedoms, and enjoy all-out maximum employment if we permit bigotry, racial intolerance, and economic inequality to operate unchecked. It simply cannot be done.

We are, of course, all in favor of the Atlantic Charter. The best way to carry out its provisions is to start now and pass this bill, and give a wartime agency which functioned well and did a very good job during the war the right to continue doing its job during the peace.

Mr. President, some of the objections which have been made to the pending bill are based on the contention that the bill violates States' rights; that it compels employers to hire against their will; that it advocates social equality. It is said that by the enactment of the bill we would arouse prejudices and discriminations, and defeat every object of the measure.

693972—16596

The bill does not violate States' rights, because it applies to industries which are interstate in character. Similar provisions, I may say, are contained in many of our legislative enactments in order to protect the States, define the scope of the legislation, and assure its constitutionality. Those purposes have been well taken care of in the pending measure.

With reference to the contention that the bill would compel employers to hire against their will, I may state that that is not the approach it makes. The approach is, rather, that employers shall not refuse to hire because of race, creed, or color. That is the compulsion, if any, Mr. President; not that employers are compelled to hire or fire, but that they shall not refuse to hire because of race, color, or creed.

With reference to the objection based on the assumption that the bill would be promotive of social equality; that objection is, in my judgment, merely a red herring which has been drawn across the trail. We cannot legislate social equality, nor can we legislate a man's religious affiliation. We can legislate equality before the law and equality of economic opportunity. That is all that we are trying to do.

The charge that the bill defeats its purposes by arousing prejudices is, in my judgment, well answered by the splendid and successful administration of the present Committee on Fair Employment Practice during the past several years.

An objection is that the bill seeks to forbid discrimination in employment because of race, color, or creed. It has been contended that there should be included in the bill a proscription against discrimination because of union membership or the absence of union membership. Mr. President, if the proposal with reference to union membership and nonunion membership were added to the bill, violence would be done to the labor laws which have already been enacted by the Congress, which express the policy of the Congress, and which were debated at length on the floor of the Senate. As the result of that debate, we determined by our votes the policy of the Government with reference to our labor program.

Moreover, Mr. President, such a proposal would have the effect, I believe, of destroying the union shop. It would remove with one fell swoop the advances which have been made by labor during the past century, by making ineffectual collective bargaining, and by subverting every provision of the Wagner Act. It would be an attempt to amend the Wagner Act by taking away powers now in the hands of representatives of employees.

Mr. President, it has been stated that a majority group member may be denied employment because of age, but that a minority group member could not be denied employment for the same reason. My answer to that is that an employer may fix any standards of age or ability which he may desire to fix. If he applies all qualifications alike to persons of the majority group and to persons of the minority group, there can be no violation of the law. Violation consists of treating persons differently because of race, color, and creed.

It is stated that this bill sets up courts wherein an employer might be tried anywhere in the United States. The answer to that is that under our requirements of due process and a fair hearing, it is obvious that the courts would not sanction the holding of a hearing at a place which would make it unduly inconvenient or impossible for a party charged to adequately present his defense. At any rate, the courts have something to say, rather than the committee.

It has also been said that the proposed agency might have certain power to put people in jail and fine them $5,000, and so forth, if they interfere with the proper examination, or if they resist in the proper presentation, of their records or their books.

The Commission could put no one in jail. An aggrieved party who refused to comply with an order of the Commission after a decree of a circuit court enforcing it had been entered, might have to go to jail under the contempt powers of the court. The same method of enforcement is in the National Labor Relations Act, in the Clayton Act, and in other administrative legislation. Again, the court is the authority rather than the Commission.

The Commission could not put a man in jail, or fine him, for resisting it or its agents. Section 14 is the provision Senators may have in mind and the punishment prescribed for violations of that section are applicable only after trial and conviction in the district court in accordance with established Federal criminal procedure.

There is a general complaint that this measure would create strife and animosity which do not now prevail; that it would do the colored people harm rather than good, and that in the final analysis it would adversely affect the minority groups which we are attempting to protect. In my judgment, that is not a tenable theory. On the contrary, I believe that racial strife and animosity arise from discrimination, particularly economic discrimination. They flourish most where discrimination is greatest, and discrimination itself is a major cause of race difficulties. One of the surest ways of lessening strife and animosity is to provide fair opportunities for minorities in industry.

It is not possible to legislate anything into the hearts and minds of the people. We can gradually eliminate prejudice and ill-feeling between groups.

Senate bill 101 is not designed to eliminate prejudice. It is intended, instead, to eliminate certain effects of prejudice; not to make persons like each other, but to respect the rights of others. That legislation is effective in eliminating dis-

crimination in employment is shown by the history of the National Labor Relations Board, and that it can be used to control the conduct of employers toward employees in other ways is shown by the success of laws regulating the hours of work for women and those prohibiting child labor.

Another objection to the bill is that the refusal of an accused employer to permit an examination of his books and records is made a crime, punishable by imprisonment for 1 year and a fine of $1,000.

The reference I presume is to section 14 of S. 101, which sets forth the punishment of any person after a criminal trial in a district court who willfully resists, prevents, impedes, or interferes with a member of the Commission or one of its agents in the performance of duties under the act. This is a usual provision in administrative law, and is found in section 12 of the National Labor Relations Act. The provisions of S. 101, however, would not be applicable to this form of resistance because, under section 11 (b), the subpenas of the Commission for the books and records of a party charged would be enforceable under the contempt powers of a district court.

So the courts enter again. It may be that some Senators had in mind the ultimate decision of the courts as the result of the enactment of the legislation, but I make the statement, Mr. President, that it rests with the courts.

The Commission has limitless authority to effectuate the policies of the act. A number of Senators have described the unwarranted influence and scope which might result from the enactment of the proposed legislation.

The Supreme Court, in deciding cases arising under administrative agencies, has repeatedly held that the affirmative action required to be taken by the agency must be related reasonably to the purposes of the act, and there are a number of instances where appellate courts have refused to enforce certain affirmative action orders of the National Labor Relations Board on the ground that those orders, or portions thereof, in the courts' opinions, were not calculated to effectuate the purposes of the National Labor Relations Act. Again, Mr. President, we must trust the courts.

The bill provides that the machinery of the agency would become effective after it had been alleged that an unfair employment practice had taken place.

In answer to that statement, the National Labor Relations Act contains a similar provision, and it is the established practice of the NLRB to require sworn allegations before commencing its investigations. On the other hand, neither the Federal Trade Commission Act nor the Clayton Act requires an allegation before the machinery of the Federal Trade Commission is brought into play. Under both those acts, the Federal Trade Commission may initiate its procedure when it has reason to believe that violations of the acts have taken place. Therefore these provisions of S. 101 are consistent with administrative history.

Moreover, the Fair Employment Practice Committee would have to prescribe in its rules and regulations the form in which the allegation must be made. Under the bill, Congress has 60 days in which to disapprove any such regulation.

Mr. President, I do not see anything inconsistent in the bill, nothing which has not already found its place in other acts, by congressional approval. I believe it follows the general trend, the general practice. I think a great deal of the authority which it is asserted is contained in the bill is not only found in other acts, but in some instances the authority found in those acts is greater and more extensive.

Mr. President, the goal of 60,000,000 jobs after reconversion presents another problem which is related to the pending measure. That goal will never be achieved if we fail to grant equal opportunity to all our citizens, as we did during the war, and as provided for in the Constitution of the United States.

The postwar period will prove to be a trying one. I am sure we all admit that. Not only must we close up the wounds of war, we must also untangle the almost unbelievably complicated economic problems caused by war. Foremost among these is the question of economic equality and opportunity. This can only be achieved by sound and forthright legislation by the Congress. Moreover, as we reconvert to peace we must remember that we cannot permit conversion to national bigotry, religious discrimination, and racial prejudice. Without equal opportunity for all our people, we will neither achieve our full economic strength nor realize the happiness and spiritual well-being, without which the world cannot long remain at peace.

A period of prolonged unemployment would induce people to cut down their purchases of consumer goods at the very time when their buying should increase and investments should be made for working capital. If the public should sit tight and wait until they know whether unemployment will last indefinitely, a period of hand-to-mouth buying would result. This in turn would cause retrenchment which would have far-reaching consequences even worse than the dizzy spiraling effect of inflation.

We have won complete military victory. We are now beginning the fight for maximum peace production. To win it we must promote the same national unity we achieved in war and the same extensive utilization of the Nation's manpower.

Therefore, the problem of discrimination in employment stems from the basic fact that the full utilization of the Nation's manpower is as great a problem in peace as it is in war. When discrimination is practiced in employment against properly qualified persons for reasons of race, color, creed, or ancestry, it deprives us of the fullest measure of our production potential. It lowers the standard of living. It reduces purchasing power and in general it retards economic progress. Surely it interferes with maximum employment.

Of all forms of discrimination, the type affecting economic livelihood is perhaps the most serious. It strikes at the very right to survival, since it deprives a man of the opportunity of making a living for himself and his family.

Under Senate bill 101 management is left free to determine, as it always has, its own hiring, promotion, and discharge policies so long as there is no arbitrary discrimination because of race, color, creed, or national origin. Also labor unions remain free to manage their affairs in their own way, provided they do not deny the advantages of union membership and collective bargaining for reasons of race, color, creed, or national origin. But let us bear in mind that the FEPC does not attempt to outlaw prejudice. Prejudice is a human emotion and cannot by mere legislation be removed from the heart and mind of mankind. But Senate bill 101 does try to prevent overt acts of discrimination in employment and surely that is only just and right.

The Declaration of Independence is a statement of the basic principless of democracy, political and economic. The Constitution of the United States, with the Bill of Rights and the Civil War amendments, has embodied the political democracy of America. It is not yet fully realized, but its essential working is guaranteed. The permanent FEPC, as embodied in Senate bill 101, constitutes the implementation of our political democracy with industrial democracy. It is the long-awaited evidence that American democracy has come of age and that here in these United States we shall practice what the world hopes will eventually be realized—an equality of opportunity for men of all races, creeds, and origins.

Mr. President, we must see to it that this issue of economic opportunity is determined by the Congress. We cannot be fully satisfied that we are carrying out the philosophy of the Atlantic Charter or the "four freedoms," one of which is freedom from want, if we do not endeavor to the best of our ability to set an example for the world, and strive to eliminate the causes of discrimination in economic opportunity by setting up an instrumentality of government, guided by the Chief Executive and carefully supported, as the years go on, by recurring appropriations by Congress. It will be an agency in which I think we will take justifiable pride. It will be an agency which will have to report to us at frequent stated intervals. It will have to come before our committees and go into detail as to the record which it has made in order to secure recurring appropriations.

Mr. President, I subscribe to the tenets of this measure.

693973—16596

U. S. GOVERNMENT PRINTING OFFICE: 1946

FEPC

Fair Employment Practice Act

Remarks of

Hon. H. Alexander Smith

of New Jersey

in the

Senate of the United States

January 22, 25, and 29, 1946

Not printed
at Government
expense

United States Government Printing Office, Washington : 1946

682488—14836

Fair Employment Practice Act

Remarks of

Hon. H. Alexander Smith

of New Jersey

in the

Senate of the United States

January 22, 25, and 29, 1946

REMARKS

OF

HON. H. ALEXANDER SMITH

Friday, January 25, 1946

Mr. McCLELLAN. Mr. President, as I have already stated I would be perfectly willing to engage in a filibuster if that should become necessary, because I think that any Senator, after having taken his oath of office, is fully justified in making use of and employing to the fullest extent every parliamentary advantage that might be given to him under the rules of the Senate in his efforts, if he is following his convictions, to try to prevent the passage of an unconstitutional measure, to try to prevent the enactment into law of a bill which would destroy the liberties of our people.

Mr. SMITH. Mr. President, will the Senator yield to me?

Mr. McCLELLAN. For what purpose?

Mr. SMITH. To ask the Senator a question.

Mr. McCLELLAN. I yield for a question.

Mr. SMITH. I understood the Senator from Arkansas was kind enough, at the opening of the session, to say that he would be glad to suspend his remarks temporarily and give me an opportunity to speak. I have been in attendance at the hearings of the Committee on Education and Labor which is engaged in investigating the problems relating to industry and labor. That is why I was delayed in coming to the Senate. I would appreciate the privilege of speaking at any time that suits the Senator's convenience, and I will say that I merely ask the floor for that purpose, but I shall not ask the Senator to let me have the floor if he fears that he may thereby lose it, or if he wishes to continue.

Mr. McCLELLAN. With that understanding, Mr. President, I would be most happy to accommodate the Senator; that is, if I may yield to him for the purpose of discussing the merits of the bill, if that will not prejudice my right to resume. I realize the Senator from New Jersey is busy in committee. In what I said I was not speaking particularly of the Senator from New Jersey, but I know the situation that exists in the Senate. I know there are those who want to speak on the merits of the bill. I want those who favor the bill to speak on its merits. I want to hear their side of the case. I shall be most happy to yield to the Senator and give him the opportunity to speak as long as he wishes, and I shall be most happy to stay and listen to the Senator's address, for I know it will be a very able one.

Mr. President, if I am permitted to do that, if I may receive unanimous consent to do that, I shall be most happy to yield now to the distinguished Senator from New Jersey.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from New Jersey, and approved by the Senator from Arkansas? The Chair hears none, and under those conditions the Senator from New Jersey is recognized.

Mr. SMITH. Mr. President, I thank the Senator from Arkansas, and before I begin I want to say that I have been very much impressed with that part of the debate in which he has participated. I hope I will hear his discussion of the details of the bill, because they are very important, and I hope that I myself can at a later date discuss some of its details more fully.

Mr. President, today I wish to discuss the over-all implications of the so-called Fair Employment Practices Act.

It is my judgment, Mr. President, that the bill as it has been presented to the Senate needs substantial amendment in order that some of the limitations of the bill which I and others of my colleagues see in it may be corrected before we present it for final passage. And I am hopeful, Mr. President, that with the submission of the amendments we have in mind it may be recognized that many of the objections that have been made to the bill will be removed, to the end that the fundamental position of the United States on this basic issue of nondiscrimination among our people and equality of opportunity may be demonstrated to the world.

I am fully aware, Mr. President, of the difficulties that are involved in the intimate relationships between employer and employee, and yet in our modern industrial age, with the problems that are presented by mass employment, we must readily recognize that if segments of our people are prevented, because of mere prejudice, from being employed, an injustice is done and an intolerable situa-

tion is created which it will be hard for us as a free people to defend. It is for this reason primarily that I am offering what I feel to be a most fundamental amendment to the bill and which I shall send to the desk after I complete my remarks in order that the amendment may be read and be before the Senate when the time comes to discuss amendments.

This amendment distinctly recognizes the fact that the question of individual personalities becomes most important in employments where relatively few people are employed, and where it may be as much to the interest of other employees as to the employer himself as to the kind of people who are thrown together in intimate employee relationships. The bill as originally introduced provided it would apply to employers of six or more. My amendment changes the figure of "6" to "25", and I am frank to say in presenting it that I prefer to start with employers of 50 or more in order to ascertain whether we can first work out this nondiscriminatory principle where there is employment of large numbers of people.

It is the large industries, as I see it, Mr. President, that are important in the first instance, and I realize the great difficulty, where questions of personality are involved, in trying to impose by law on a small employer, individuals who may be objectionable for any reason whatsoever, and where the employer has to use discretion in order to keep his employees happy. I recognize those objections that have been made to the bill, and I am trying to meet them by offering my amendment. I can readily see that in a small office or in a small industry the esprit de corps may well depend on an atmosphere of personal congeniality which obviously it would not be possible to create under the pressure of mandatory legislation. On the other hand, in large industries, where the work is less intimate, I can see no personal reasons why objections should be made to giving equality of opportunity in employment to all of our people without regard to race, creed, or color. I have made inquiry of the FEPC authority, established by President Roosevelt, and which has been working under directives of the Executive. The indications are that 80 percent of the cases affect Negroes, 10 percent affected Jewish applicants for employment, and the remaining 10 percent is scattered. This points definitely to the fact that the question of the Negroes in America is the serious one, and one which in my judgment we should face with fairness and without prejudice. All of us together, no matter what our feelings are, should try to approach the problem in the friendliest possible fashion, for the future good of America. Today, Negroes are 10 percent of our entire population, and as the Negro question is the one that has been most stressed in our debates during the past few days, I want to face this problem courageously.

I am aware, Mr. President, that this is a very dangerous and inflammatory subject, but because of that very danger it is my conviction that we here in the Senate, as fellow Americans, should consider it seriously and dispassionately and see where we are heading in the coming postwar period. I wish to speak especially to my highly esteemed colleagues from our Southern States, because I think I can feel instinctively what the problem means to them, largely because of long-time and deep-seated conditions which it has been difficult to correct.

I do not wish to appear for a moment as trying to criticize others for the views which they hold, but I desire to try to present the case as I see it, from the standpoint of those who feel that the principle of nondiscrimination in our American life outweighs the other arguments which are being made.

Mr. President, we of the North and of other geographical areas of the Nation are too prone to condemn our southern citizens as being the cause of this serious racial problem that confronts us as a people. Yesterday reference was made to the Mason-Dixon's line. Let us begin to think that we can cross that line together, and discuss these problems without passion, feeling, or heat. We forget that all sections of our country as it was originally constituted were equally parties to the hideous crime of human slavery. We are all governed by economic considerations, and any of us probably would have defended the institution of slavery, as the South did prior to the Civil War, had our pocketbooks been as immediately affected. I despise hypocrisy, and I have to search my heart before I condemn others for their actions, lest under identical circumstances I would have done the same. And we of the North must realize that our performance when we dominated the reconstruction period after the Civil War was one of the darkest pages in our national history. Let us be honest in this debate.

And so, Mr. President, I can see that we left our southern friends with the responsibility of moving the Negro people from slavery to freedom without a really sympathetic understanding on our part of what that problem would be. Certainly, the solution could not be found in the shift of political control from the white people to the black people, and yet that has been one of the very dangers that has prompted the denial of the franchise by various devices, from the "grandfather" clause to the poll tax. I can see what prompted those things; yet we must face the situation realistically, and realize the difficult dilemma which confronts us. On the one hand, the denial of suffrage means the continuance of a form of serfdom; but, on the other hand, the granting of universal suffrage might well mean domination by underprivileged elements in our population not yet qualified to assume government responsibility.

At a later date it will be my purpose to discuss this question and to suggest to my colleagues the possibility of devising some sort of test—I shall not call it an educational test, but a test of qualification for the proper exercise of the franchise—so that those who vote will know what they are voting for, and will not be like some people in my own State, who vote because one party pays them a little more than another. That is unthinkable. We must be statesmen enough to solve this problem.

But let me return to the consideration of the Negro people as a race. I have been deeply shocked at the implications of some of the speakers, both during this filibuster and the one last summer, that the Negro people, as a people, are a hopelessly inferior and depraved race. It has seemed to me to be a thoughtless injustice to visit on all our Negro people the stigma of barbarous behavior that was attributed to certain African regiments during the war. We all regret and vigorously condemn such incidents, but to declare them to be racial, rather than depraved human, characteristics is to my mind indefensible. Throughout our history the Negro citizen has been underprivileged, and that has been definitely our fault.

I wish to pay tribute to those of our Negro citizens who, like countless numbers of other citizens, answered the call and rendered magnificent service in helping to defend us from the threat of Hitlerism and from the threat of destruction and violation of our fundamental institutions in the recent war. As the distinguished Senator from Kentucky [Mr. BARKLEY] said yesterday, we did not hesitate to include them in our selective-service draft. We asked them to give their lives, if necessary, for the cause of America. I am speaking on that point because it seems to me that it is relevant to the whole argument. Now that they have rendered their service, they should be given equality of opportunity, both in the matter of education and in the matter of economic opportunities.

Our Negro citizens need our sympathetic understanding to help them rise—not our scorn and continued submergence below their fellows. I deny their inevitable inferiority as a race. I ask only that they be given equality of opportunity, both in the field of education and in the field of employment to prove their capabilities. Those who may fail, like any of the rest of us, to take advantage of the American chance do not deserve any greater rewards than any of our citizens who do not improve their God-given talents. But they are definitely entitled to that American chance to emerge and to free their race from being the American problem.

Mr. President, so many of them have emerged that I am sure I am right in this conclusion. I need name only a few. The name of Booker T. Washington is known to us all, through his great work at Tuskegee. The name of George Washington Carver is likewise a beacon light for the Negro people, and we could name countless others. I count it a great privilege to know as personal friends many members of the Negro race in my own State of New Jersey and in other States. I was associated with three eminent Negroes on the Republican Program Committee, of which the late Dr. Glenn Frank was chairman; namely, Bishop David Sims, of the African Methodist Episcopal Church, which has its headquarters in Philadelphia; Mrs. Sara Pelham Speaks, the New York social worker and recently Republican primary candidate for Congress; and, especially because I know him best, Hon. Francis E. Rivers, judge of the City Court of New York, originally appointed to his present office by Governor Dewey, but subsequently elected by a substantial majority.

All these and many of my New Jersey Negro friends, who are too numerous to mention individually, have left me with

a confidence in the race and its future possibilities if only their people can be given equality of opportunity.

Let me digress to recall the exchange which I had with the distinguished Senator from Maryland [Mr. TYDINGS] the other day, when it seemed to me that he was bringing into the discussion the question of social equality, which was entirely irrelevant. Some others have suggested that the passage of an FEPC bill would mean intermarriage of Negroes and whites. That has nothing to do with the bill. I am simply asking that the race which has had difficulty in emerging from the situation in which the white race placed it be given equality of opportunity, both in the field of education and in the field of economic opportunity. In my humble judgment no limitation should be placed by any of us fallible human beings on what any man made in the image of God may become.

Mr. President, as I make this statement I wonder whether I have not unconsciously indicated one of the fundamental reasons why we have all suffered in this devastating war. Is it not because of the fanatical delusion of some individuals and groups that they belong to a master race, and that they were destined to overcome other and what they considered inferior peoples in order to further their own selfish domination? I am referring to Hitler. Shall we find that while we have conquered this false ideology by the force of arms, we have been overcome ourselves by this same false thinking? Or do we really begin to see, because of the very suffering we have been through, that in the words of our Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

Here, Mr. President, is the outstanding question that the world is waiting for us to answer. The issue of submerged people has been very definitely raised in this devasting war. The people of different colors than our own who are crying out for their place in the new postwar world are asking us, "What are you going to do in the United States of America, the land of the free, with this very issue?"

Is not this the foundation stone of our American institutions? Is not equality of opportunity the eternal truth that America, the New World, has given to the Old World? Is not this the core and substance, the very soul, of what we are today attempting to accomplish through the United Nations Organization now meeting in London, where our own distinguished American delegates are taking our American message?

If our sons and daughters have fought and died for these principles throughout our entire history, and especially throughout World Wars I and II, what is our responsibility today to the other nations of the world when we are looked to for this postwar leadership? Can we do less than face our own problems with courage and vision and blaze new trails for all peoples, irrespective of their color, creed, or national origin? In seeking to answer this question, we must bear in mind that two-thirds of the people of this world of ours are composed of races of a color different than our own, and that the great nations of which they are citizens are watching us, as I said before, both hopefully and critically, to see how we shall solve our racial problems.

Mr. President, this is a problem of human relationships. We instinctively like some people more than others. I admit frankly that I do. We instinctively trust and like some nations more than others. I admit frankly that I do. If we are realistic we know that we cannot reach our objective of universal human brotherhood by the mere passage of laws or by the road of compulsion. But we have come to a new page of human history where tolerance and the goal of human understanding must be our objective if the human race is to survive. So we must make a new start, and we freedom-loving Americans must start here at home. We must insist that all our people, of whatever origin, Jew or Gentile, bond or free, white or black, must be given an assured equality of opportunity.

Now let me speak of equality of opportunity as I see it. Here is the key to all our freedoms. Here is a vastly more precious possession than freedom from fear or want, because it includes both those freedoms. If men and women have an equal chance in a free society, it is all that any government can possibly give them, but it is the very minimum that any government must give them.

So, Mr. President, it seems that this objective—real equality of opportunity, educational and economic—must be the foundation of our postwar national policy, and our faces must be turned toward a new world where this will be the beacon light of any lasting real security.

This brings me to the pending bill, the Fair Employment Practice Act. As I have said before, I am not satisfied with this bill. I feel that it needs substantial amendment, but I wish to have my colleagues join wholeheartedly in amending the bill, and not preventing its merits or the merits of the principles it embodies from being debated on the floor of the Senate.

Let me say, with regards to the pending bill which was reported months ago to the Committee on Education and Labor, that some of us voted to report it to the Senate in order that it might be debated on the floor of the Senate, because obviously in view of the composition of the committee there was a difference of opinion about the amendments which we felt we wished to offer. We had in mind amendments which we considered would make the bill more practical and would protect everyone from any possibility of being endangered because of it. We had in mind the matter of trial by jury for offenses, and so forth, and we had in mind giving more leeway to the Commission which would investigate such cases, to enable it to dispose of them without bringing the arm of law into the picture. However, it seemed difficult, if not impossible, to obtain agreement on those points. Therefore we voted to report the bill, in order that it might be debated on its merits on the floor of the Senate.

Mr. McCLELLAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOEY in the Chair). Does the Senator from New Jersey yield to the Senator from Arkansas?

Mr. SMITH. I yield for a question.

Mr. McCLELLAN. In view of what the Senator from New Jersey has just said, namely, that the bill was not carefully or, at least, thoroughly studied, as the Senator has admitted, and in view of the discussion which has already taken place and the many admissions which have been made by the supporters or proponents of the bill that it does need considerable amendment, would it not be better procedure to recommit the bill to the committee, in order to let the committee undertake to give it further study and to work out those amendments? The Senator knows the difficulty of trying to legislate on the floor of the Senate with a bill in respect to which there are so many divergent views, as in this case. So, in view of what has already been said and acknowledged here by the proponents of the bill, it occurs to me that perhaps the Senator from New Jersey, as a member of the committee, will agree that the proper procedure and the wise procedure for the Senate to adopt under the circumstances would be to recommit the bill and let the committee finish its work and undertake to report to the Senate amendments which the committee could support, and thus give the Senate a bill which possibly there could be some hope of having passed by the Senate.

Mr. SMITH. Mr. President, in reply to the question of the distinguished Senator, I wish to advise him that I explored that possibility. I asked the committee to postpone reporting the bill for at least a week or two weeks, until we might inquire of our friends from the South who felt aggrieved by the bill whether there was any formula on which they would join with us in setting forth the issue of equality of opportunity. We waited for 2 weeks, at my request, as the Senator from Florida [Mr. PEPPER] will testify. The Senator from Florida thanked me for giving the opportunity to canvass his colleagues. He came back to me with the answer, "I regret to say there is no basis on which those who wish to filibuster against this bill will compromise or even discuss amendments."

That is my answer to the Senator's question.

Mr. HATCH and Mr. RUSSELL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Jersey yield, and if so, to whom?

Mr. SMITH. I yield first to the Senator from New Mexico, who first addressed the Chair.

Mr. HATCH. Mr. President, in view of what the Senator from New Jersey has said—and I assume it to be the attitude of the committee—I merely wish to ask if it is correct that the essential amendments which were suggested were not considered by the committee because the southern Senators would not agree to any type of bill?

Mr. SMITH. I will not say the southern Senators would not agree. All I say is that the amendments which the

Senator from Oregon [Mr. MORSE] and I offered seemed to be contentious ones, and we seemed unable to make progress on them—especially in light of the fact that we asked our southern colleagues if they would not get together and give us suggestions, but they said, "Nothing doing; the bill is all wrong. There is no basis on which we can assure the colored people equality of opportunity."

So we felt there was nothing we could do except to have the bill reported and then have amendments considered on the floor of the Senate, and then see whether we could adopt the proper amendments.

I will say—I cannot speak for my colleagues—that if those who are filibustering against the bill will agree that there shall be no further filibuster, but that they will consider the bill on its merits, I will agree to go at any time into a conference which will undertake to amend the bill in such a way as would be fair and still undertake to afford equality of economic opportunity.

Mr. HATCH. Let me ask whether any action of that sort was taken by the Senator from New Jersey or the Senator from Oregon.

Mr. SMITH. No; we merely canvassed the situation, and we felt it was hopeless to attempt to get together and agree on amendments, and that the only thing we could do was to report the bill to the floor of the Senate.

Mr. RUSSELL. Mr. President, I should like to ask the Senator a question.

Mr. SMITH. I am glad to yield for a question.

Mr. RUSSELL. I should like to know to what southern Senators the Senator talked about this matter.

Mr. SMITH. I talked to the Senators on the committee and I asked them if they would canvass their colleagues. I do not wish to get them into trouble; but if they are willing to have me state who they were, I shall do so.

Mr. RUSSELL. Do I correctly understand that the Senator from Florida reported that he had conferred with his colleagues and that it was hopeless to proceed?

Mr. SMITH. He said it was hopeless. He said there was no way by which we could report the bill with amendments.

Mr. RUSSELL. Mr. President, I merely wish to say for myself that the Senator from Florida never mentioned the matter to me. He did not discuss it with me in any way, shape, or form, and I happen to be a southern Senator. I ask the senior Senator from Arkansas [Mr. MCCLELLAN], the senior Senator from South Carolina [Mr. MAYBANK], the senior Senator from Alabama [Mr. BANKHEAD], the senior Senator from Mississippi [Mr. BILBO], and the junior Senator from South Carolina [Mr. JOHNSTON], the southern Senators now on the floor, if any of them were approached by the Senator from Florida and asked about this matter. If they were, I ask them to rise. Mr. President, none of them rise, and they all assert that the Senator from Florida never mentioned any amendment to them.

Mr. SMITH. I regret that I mentioned the name of the Senator from Florida, because by so doing I may have done him an injustice.

Mr. RUSSELL. I am merely endeavoring to see that Senators from the South are not placed in a false light.

Mr. SMITH. I ask the Senator from Georgia whether he and his colleagues would be willing to consider with some of the others of us a bill which would give the colored people equality in opportunity of education, and in obtaining employment. Would they be willing to work out a bill which would be directed toward those objectives? I am in sympathy with many of the points which have been raised by those who are in opposition to the pending bill. I should like to see those Senators write a bill of their own. I have previously said that I would be glad to support a bill of that kind if it should come from the Senators representing the South.

Mr. RUSSELL. The Senator from New Jersey talks about educational opportunities and economic opportunities. The Senator from New Jersey is no more in favor of those two objectives than is the Senator from Georgia. I doubt very much whether he has labored half as long and half as earnestly as has the Senator from Georgia during his service in public life within his State, as a member of the State assembly and as Governor of the State of Georgia, to improve the opportunities of the colored race.

* * * * *

I shall not state that we will accept an amendment to this bill, because I know that in its present form it is a bill which is not only not a fair-employment bill, but it is one which would destroy the fundamental rights of Americans.

I have observed the operations of the present Committee on Fair Employment Practice, and I should like to ask the Senator from New Jersey a question. I preface it by saying that I discussed this bill at some length. I did not raise the race question because I know how distasteful it is to certain Members of the Senate. It is most distasteful to me to be compelled to discuss any question which may raise racial feeling. I could have pointed out that some of those who administer the present Committee on Fair Employment Practice have not shown the interest in economic equality that they have shown in social equality.

* * * * *

Mr. SMITH. As I pointed out the other day in my discussion with the Senator from Maryland [Mr. TYDINGS], I am not in sympathy with any effort to mix up or confuse this issue with that of social equality. What I am driving at is the quality of opportunity. I thank the Senator from Georgia for his statement, but I request that I be permitted to complete my address.

* * * * *

Mr. SMITH. Mr. President, I shall continue with my discussion, if I may, but I should like to make one remark in answer to the distinguished Senator from Georgia, and that is this: He spoke about the difference in standards of living in New Jersey and in his State. I recognize that, but I want to say to the Senator from Georgia that I am a member of the Committee on Education and Labor, and I am in favor of the educational bill which will benefit the Southern States that are not able from their own resources to handle their educational problems. With every ounce of my strength I shall fight for it, although it will not help my State of New Jersey one cent's worth. I propose to continue that effort.

Mr. RUSSELL. I appreciate the attidue of the Senator from New Jersey in that respect, and I will tell him that the bill to which he has referred will do more to help the people of the South than 50 bills of this kind.

* * * * *

Mr. SMITH. I thank the Senator. In the committee that bill, which is a part of this whole problem, is coming up shortly.

Mr. President, before even reading the bill which is now before the Senate and which sometime ago was reported out by the Education and Labor Committee, I took the pains to study the so-called Ives law, recently passed in New York State, and the corresponding law passed in my own State of New Jersey.

I realize full well that any legislation that contemplates creating human relationships by law is in real danger of unenforcement. It is my sincere wish that it might not even be necessary for us to consider legislation of this kind. It seems to me to be a shocking thing that in free America it would be necessary to pass laws to give any of our citizens an equality of educational or economic opportunity. It is perfectly clear to me, however, Mr. President, that the most fundamental right which any member of our society is entitled to have protected is the right to have a fair chance—the right not to be discriminated against for any reason such as race, creed, or color, which is beyond the power of the individual himself to control.

* * * * *

Mr. MAYBANK. I wonder if the Senator is going to discuss the work of the FEPC in the State of New Jersey. I understand it has not worked so well there.

Mr. SMITH. I intend to file a report on that subject, and it is going to be a part of my remarks.

I am fully aware, Mr. President, that the passing of this legislation will not and cannot create happy personal relationships. That is why it is so difficult to think through the kind of legislation that will bring about the end of unfair discriminations in our economic set-up. The philosophy of the laws of the State of New York and the State of New Jersey and of the pending legislation is that the arm of the law will not be invoked to prevent discriminations until every possible safeguard has been placed around any given situation, and a thorough and impartial investigation has been made to find out whether there has been an abuse of the fundamental principle involved.

Mr. SALTONSTALL. Mr. President, will the Senator point out this factor? Do not both the New Jersey and New York laws contain a clause which accelerates working this situation out without publicity, and without bringing it to action, which is a good clause, and is not included in the pending bill?

Mr. SMITH. That is true, as the Senator has stated. In my own State of New

Jersey—and I know the law of that State better than that of New York—exactly the situation as the Senator from Massachusetts has stated it is the existing status. I am advised by the department of education, which has jurisdiction of the matter, that the educational processes, rather than anything else, are being brought to bear to bring the parties together, when a question arises. Therefore it may never be necessary, and it has not been in any case, to bring the matter to court, and there is no provision for suits being started. It is only the commission which may ask, after full hearing, to have a cease and desist order from the court, and no individual aggrieved can do more than bring his case before the commission to make that decision.

The success of this type of legislation will depend entirely on how the law is administered. It will depend on whether the commission charged with the responsibility of adjusting the case can understand the greater importance of sound persuasion rather than any form of coercion. I feel so strongly on this matter of coercion that I originally favored the kind of measure introduced by the distinguished senior Senator from Ohio [Mr. TAFT], which completely omitted any legal sanctions. On reflection, however, I can see that without the power of the law behind the commission, if in the last analysis the power of the law is necessary in aggravated cases where the authority of the commission otherwise would be ignored, the whole movement would be futile.

I regret exceedingly to have to come to that conclusion, and I still believe that with the proper personalities on the commission, the greatest possible service to the United States can be rendered in bringing together those who do not quite understand what we mean in America when we speak of equality of opportunity.

I have assumed the responsibility of writing to my good friends, the respective Governors of New Jersey and New York, Governor Edge and Governor Dewey, to ask them to give me a preliminary report as to how the law has worked in those respective jurisdictions. I have received cordial and favorable responses from both these Governors, and in the case of New Jersey, I have received a letter and a report from the assistant commissioner of education, to whom was given the responsibility of administering the New Jersey law. I have received also a letter from Dr. Robert C. Clothier, president of Rutgers University, who is chairman of the advisory commission in New Jersey which has assisted the regular commission in determining policy.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SMITH. I am glad to yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I merely wish to make sure that the Senator from New Jersey said what he intended to say. I understood the Senator to say that only the commission could carry a matter to court in New Jersey. As I read the law, a person aggrieved by a ruling of the commission could also carry a case to court in New Jersey. Is that incorrect?

Mr. SMITH. I think the Senator is incorrect; but I shall be glad to check that up, and produce the laws of both States for the RECORD. I do not wish to mislead anyone, but my impression was that the law would not permit suits being started which would bring about a multiplicity of actions, or lead to blackmail. It is a matter for the commission, and if the commission decides that relief should be given, it asks a court to issue a desist order.

Mr. SALTONSTALL. But a person aggrieved by the commission's ruling can bring a case to court.

Mr. SMITH. The Senator means, for example, that if there were a decision against an employer which the employer felt was not right, he could take it to court? Certainly. It has been decided that if there is an evasion of the law, either party aggrieved by it may bring the matter to court. If that is what the Senator means, that is correct, absolutely. I thought the Senator meant that a person aggrieved by a charge of discrimination could start a proceeding. A suit cannot be started on such a ground. Governor Edge has assured me on that point.

As yet I have not received from the New York commission a report on the activities there, but I am able to state at this time that this morning my office advised me that the report had come in.

At this stage of my remarks, Mr. President, I ask unanimous consent to insert as a part of my remarks the replies which I have received from Governor Edge and Governor Dewey; the letter which I have

received from Dr. Clothier and the letter which I have received from Mr. Joseph L. Bustard, assistant commissioner of education in New Jersey together with his report to Governor Edge covering the first 5 months' operations of the New Jersey Division of the Department of Education which has to do with discrimination cases. And as I stated a moment ago, my office advises me that I received this morning the report from the New York Commission, I would like to add that also. I ask that these exhibits be inserted at the end of my remarks, if there is no objection.

Mr. President, in closing these remarks, I should like to add a brief further statement, and in making this statement I want to point out, as I said earlier in my remarks, that I favor substantial amendments to the pending bill before we finally pass it. I was particularly impressed by the remarks of the distinguished senior Senator from Georgia when he made a special objection to bringing this matter up at this time because of the other matters of primary importance which were emphasized by the President in his Nation-wide broadcast, and later by his message. I might say that I feel that the distinguished Senator from Kentucky [Mr. BARKLEY] yesterday answered that objection. I have felt it proper, however, to support the measure being brought up at this time because the other important matters on the President's program are still in committee. I am attending hearings, both on the minimum-wage bill, and on the fact-finding bill, in our Committee on Education and Labor, and there are other matters pending—and we would have had free time, if the opportunity had been allowed us, to debate this bill without interfering with giving prompt attention to these other pending matters. I was also impressed, Mr. President, with the able argument of the senior Senator from North Carolina [Mr. BAILEY], in which he stressed particularly that the pending bill does not protect, by jury trial, persons charged with crime. I will be more than happy to cooperate with an amendment to the pending bill to protect our citizens from persecution without jury trial. I was impressed, too, by the splendid presentation by the distinguished junior Senator from North Carolina [Mr. HOEY] of what has been done in his State for the betterment of the Negro people in that State. I wish to add that I was impressed also by the remarks of the distinguished Senator from Georgia [Mr. RUSSELL], as to what has been done for the Negroes in Georgia. I know from my own information the great contribution the Senator from North Carolina [Mr. HOEY], formerly Governor of his State, made to the betterment of all the people of North Carolina during his outstanding career as Governor of that State, and I am happy to make this public tribute to his accomplishments.

In leaving out reference to other debaters, it is largely because it has not been possible for me to hear all the prolonged discussion, nor could I find any way to relate the debate, which I did not understand with regard to the amendment of the Journal, to the pending matter. What relevancy that had to the pending matter was not plain. It did get into the debate, but I shall not criticize it, as that is the way things are done in the Senate.

Since I prepared these notes, the distinguished Senator from Arkansas [Mr. MCCLELLAN] made what I considered a very thoughtful speech. He pointed out very effectively some of the dangers in the proposed legislation, and I think it is that kind of debate we should have, when we are seeking to ascertain the proper way to protect equality of opportunity in our great country.

Mr. President, I have discussed this matter at this length because I feel that we are discussing one of the most vitally important issues that faces our country in the postwar period, and while, as I said in my opening remarks, the subject is an inflammatory one, I feel we must face it courageously, and I sincerely deplore that a matter of this kind should be delayed by what is known in legislative parlance as a filibuster. Certainly, I would be the last one to curtail legitimate debate on any measure of such vital importance before the American people, but I must add, Mr. President, that if the delaying tactics are continued, and if the people of this country are to be denied the right to pass on this vitally important question by appropriate legislative action, I am willing to be one of those to participate in asking for cloture in order that further debate may be limited, and that we may have a fair expression on the merits of what I hope will be a finally amended bill which will

be a protection to all parties. By this action we will say to the world that we in America are not afraid to deal with this racial and religious problem, and deal with it on the basis of the fundamental principle of American equality of opportunity for all our people.

There is another phase of the matter which disturbs me, and which I wish to discuss briefly. I have already touched on some of these points in my general discussion, but I want to reemphasize the difficulty of creating a congenial atmosphere in all industries, and therefore, I shall presently offer my amendment to the bill. I think that this change, as we are trying to evolve this whole program of human relationships, would be desirable and I was very hopeful that our associates representing the Southern States would initiate such a proposal. In any event, I hope they will support it.

There are other matters I could refer to, but my talk is becoming overlong. As the debate continues the other matters may be debated, but I shall not bring them up at the moment.

It is because I have reluctantly come to the conclusion that there is no road to the solution of this problem by compromise or reasonable adjustment that I have been forced to the position of going the whole way with the legislation now proposed. That, of course, is subject to the statement I have already made that I am ready at any time to go into conference with my friends on the other side of the aisle, especially the southern Senators, respecting any amendment which will assure a bill establishing this principle. The fundamental principle of equality of opportunity, educational and economic, for all our people is paramount and we are compelled to raise this issue above considerations of home rule, States' rights or any other subterfuge that may directly or indirectly deny to our people this fundamental protection. I think frankly, Mr. President, it is a constitutional position.

And in this connection I want to add an additional word, because of the international picture that faces us. All over the world this issue is paramount. As I said before in this address, it is probably the central issue over which the war has been fought. Unless we in America, the land of the free, the cradle of human liberties, can face and solve this problem, it is not to be expected that the problem can or will be solved in any other corner of the globe. We must pay the price, however costly it may be, to make it clear to the world that the United States of America from one end to the other proposes to secure to all its people equality of opportunity.

I want to close my remarks with a word of kind counsel to the Negro people themselves who have been the subject of this address. I hope that they will be patient and not expect a progress more rapid than is possible under existing social, political, and economic conditions. I hope that they will realize they have a very important part to play themselves in demonstrating that they are fully capable of receiving and profiting by the educational and economic opportunity that will be offered to them and to their children. And that they will be capable or filling the jobs which they are asking to be allowed to participate in. The many years of submergence of the Negro people have made it impossible for us to cure the existing situation in one generation. Both time and tolerance are needed. And we must be willing to progress step by step on the road toward a fuller understanding between people here in our own America and between the people of America with the other people throughout the world.

But America must light the way.

Tuesday, January 22, 1946

Mr. TYDINGS. My conscience, bad though it may be, is not controlled by the majority. Thank God, that at least is still in my individual keeping, and no power of government can ever take it away from me. This is simply a political shenanigan, and with few exceptions the Republican Party is determined to make capital with the colored vote. Let us have some truth in this body; that is all. All this talk about night sessions and what not—what for? Are Senators on the other side of the aisle burning with any sense of great wrong, because some segment of our population is being mistreated, and are tears of sorrow flowing down their political cheeks? Not at all. Sheer politics!

Mr. SMITH. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes, I yield.

Mr. SMITH. So far as I am concerned, I take issue with the statement

made by the Senator that this is simply a political shenanigan. I am deeply concerned at this moment in our history with the question of discrimination between individuals in the matter of equality of opportunity in education and in work by reason of race, creed, or color. That is the only issue raised by this bill. That is why I stand for the bill.

Mr. TYDINGS. I exculpate the Senator from New Jersey, because I think that among the Members of this body he is preeminent in having a mind that is detached from any political considerations, and I tender him my most respectful and humble apologies. But the Senator knows that my arrow has not missed all the marks either on that side of the aisle or on this side. I think we have come to a pretty pass when we take one section of our people and utilize them purely for political purposes. There are Senators voting for this bill who would move out of a hotel if a colored man came into the dining room and sat down at the table with him.

* * * * *

Mr. SMITH. The Senator is confusing some very important issues.

Mr. TYDINGS. What are they?

Mr. SMITH. The Senator is confusing the question of social equality with the question of equality of opportunity in education and in work. I think it is unfortunate that the social question should be brought up when we are discussing something much more fundamental and much more important. I hope the Senate will make its position known upon the question now before us in the very near future.

Mr. TYDINGS. What we are discussing in the very last analysis is the sovereign equality of men of every race, color, or creed in this Republic, to have no prohibition applied to them to prevent their having what all the rest of us have. Am I wrong? If so, I will be glad to have someone point out wherein I am wrong.

Mr. SMITH. I do not understand the Senator's point.

Mr. TYDINGS. I say that what we are discussing is the right of every man to have work no matter what his race, creed, color, national origin, or ancestry may be. Am I right?

Mr. SMITH. I am not sure of the exact wording——

Mr. TYDINGS. It is from the bill.

Mr. SMITH. It provides for equality of opportunity for work, irrespective of color, race, or creed.

* * * * *

Mr. TYDINGS. What good is the right to work if one cannot realize equality in respect to the rewards of his work?

Mr. SMITH. I do not agree with the Senator that the question of social equality is involved in the question of equality of opportunity in education and work.

Mr. TYDINGS. The Senator is at least candid; but the sole implication of the bill is that there is to be no discrimination against citizens under this flag, no matter what their race may be.

Mr. SMITH. Some of the Senator's distinguished colleagues raised the point that this involves intermarriage of the races. It has nothing to do with it. It would be most unfortunate to raise that issue. That is not the issue involved in the bill.

Mr. TYDINGS. I am not going to raise that issue.

Mr. SMITH. The implication is——

Mr. TYDINGS. But I should like to present the issue of whether or not a man has the right to acquire with the fruits of his labor equal objects, personal, real, or indefinite.

Mr. SMITH. I shall be glad to say this much to the distinguished Senator: I have been abroad a good deal. I have been in England, and I have seen people of dark color, whom we are discussing, received in the finest places in England. They happened to come from India. They were looked upon as citizens, as much as anyone else. We cannot accomplish that result in this country overnight. We can progress toward an understanding of these people, for whom we have a very deep responsibility. I feel that the American people have been to blame for the condition in which they find themselves, and for keeping them submerged because of a prejudice based upon color. To my mind that is unthinkable in free America.

Mr. BALL. Mr. President, will the Senator yield?

Mr. TYDINGS. Just a moment. I return to my original statement, that it is not consistent to give a man, because he may be of a different color than a white man, the right to work by law, and deprive him of the right to utilize the fruits of his labor in direct equality

with any other citizen. If one proposition is consistent, the other follows as night follows the day.

Mr. SMITH. It might follow in the course of time; but it does not seem to me proper to raise that issue now, as though social equality were required at this moment. What we want to do is to give these people an education and an opportunity to work. To my mind that is a totally different issue. I hope to see the whole thing accomplished in time. It will take time. However, I believe that we are entitled to take steps slowly toward a condition of equality, irrespective of race, creed, and color.

One of the greatest issues, in addition to the color question, is the question of creed. Let us not mince words. We know perfectly well that people of certain religious faiths are discriminated against, and I feel that we must fight until such discriminations are removed in this postwar period, in building up a new America. If we are to have unity throughout our entire country, which will be the only thing that will bring about production and make us again a united people, we must remove such discriminations. Unity in America today is the most important single issue.

Mr. TYDINGS. I am in complete agreement with the Senator's philosophy. I do not take issue with what he has said. I am only trying to apply the philosophy to the realities of life. Theories do not put bread in the mouths of the people, strike down iron bars, make them intelligent, or give them privileges. Only acts which flow from theories make such things realities.

Mr. SMITH. Mr. President, I should like to add this thought: I agree with the Senator as to realities. It is for that reason that I feel that it is unfortunate at this time to try to make it appear that this is a social issue, and not an issue of equality of opportunity in education and occupation.

Mr. TYDINGS. Some men view the question as one of material equality, and not social equality. The Senator has been candid. He has stated, in effect, that he believes that every man should have the right to work, regardless of his race, color, or creed, but that he ought not to have social equality.

Mr. SMITH. I would not say that he ought not to have it. I should say that we cannot force social equality under the present unfortunate conditions in our country. I should like to see the time come when that hope may be realized; but I believe that it is most unfortunate and regrettable to force that issue now, in order to prejudice the people against equality of opportunity.

Tuesday, January 29, 1946

Mr. GEORGE. The bill now before the Senate raises a fundamental question or issue of government, not in its narrow or technical or legalistic sense, but in its broad historical sense. This bill, and the philosophy upon which it is grounded, is opposed to the theory of government which found its high purpose and expression in the Bill of Rights and in the fourteenth amendment—the very basis invoked by those who have brought forward this legislation.

* * * * *

Mr. SMITH. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. GEORGE. I yield.

Mr. SMITH. I do not rise to debate this matter with the distinguished Senator from Georgia. I rise frankly to say that practically every point he has made has been very heavily on my heart for many months, if not years. I rise frankly to say that I am faced with a dilemma and I desire to ask the Senator a question.

I am finding myself supporting a measure which I hope will be drastically amended before action is taken on it, and I hope to help to prepare amendments. Fundamentally, for many of the reasons the distinguished Senator has stated, I do not approve the measure as it is now drawn. Yet, Mr. President, the presentation of this measure here and the enactment of similar measures in States like my own—New Jersey—and New York, symbolize something very fundamental, and it seems to me that we are called upon, not with heat and certainly not with any sectional differences, but as men, to seek a solution.

The problem is that of minorities, not only in America but in the world. All over the world the same issue is before civilized peoples. It will be before the UNO. We have it here first because the other nations of the world are asking us, "How are you going to solve your minority problem?" And it is because I want America, the home of the free, the

home of those who believe in the Bill of Rights, the very Bill of Rights the distinguished Senator has been defending—and I heartily concur with his analysis of it—to solve this baffling problem that I am deeply interested in this bill.

I pleaded in the committee before the bill was reported that we might take time to confer with those who live south of Mason and Dixon's line, who know much more about the problem than we do, to see if we could not find a modus vivendi, not so much to handle the social question, but the fundamental question which is equality of opportunity in education and in occupation for all our people.

Mr. President, I regret to say that it was not possible to hope that such a program could be worked out, and we were forced to the position either of abandoning having the subject considered or else reporting a bill which we hoped to have debated on the floor by the Senate, acting as a committee of the whole, as the Senator from Oregon [Mr. MORSE] has said, whereby we might find some way of getting together, and, as probably the most important legislative body in the world, courageously facing what I think is important in furtherance of the very Bill of Rights to which the Senator from Georgia refers, namely, the right, without regard to race, creed, or color, for the citizens of this country to have equality of opportunity in education and in occupation.

Unfortunately, Mr. President, I have frequently known of cases where employers, even large concerns, would not hire a man merely because of his color. I have known of cases where my Jewish friends have been discriminated against for no other reason than their religion. They had the intelligence, they had the ability, and they had every other qualification, but, because there is a prejudice against certain of our religious groups, they were denied employment.

I ask the distinguished Senator from Georgia can he suggest a road on which we may travel toward assuring to our people, so far as it is humanly possible to assure them, equality of opportunity in education and in occupation and that they will not be discriminated against; but not to force anything on anybody, for I am opposed to that kind of enforcement. Would the Senator accept the bill of the Senator from Ohio [Mr. TAFT] which provides for investigation and regulation, but not enforcement.

Mr. GEORGE. Mr. President, I have not seen the bill of the Senator from Ohio and I do not know what it provides; I have hardly had time to read the pending bill. I may say to the Senator from New Jersey that I share fully his anxiety and his concern about freedom of opportunity and freedom of employment and freedom of economic equality, so far as that goes, including, of course, education and the right of education. I may say also to the Senator, without adverting to the fact there are a great many Negro citizens in my State and in my section, because I did not wish to discuss this bill on that basis, that great progress has been made in that direction individually and as a race.

* * * * *

I do not know that there will ever be a time when a businessman will not consider the matter of race, whether a man be black or white, in the selection of his own intimate employees and fellow workers. That is what I have tried to make plain, and I thank the Senator for his question. I thank the Senator for his very fine attitude on this, as on all other matters of legislation, as I have had an opportunity to observe him since he became a Member of this body.

Mr. SMITH. I appreciate the Senator's kind remarks, and I wish to say that I feel the distinguished Senator from Georgia has brought a great deal of light to the consideration of the subject we are discussing.

I myself have taken an active and prominent part in the debate because I think this is a matter which should not simply be brushed aside. I believe it will be possible for us to sit down and work out a plan whereby our attitude as a people can be represented, and whereby grave injustices can be prevented. When that can be done, I do not know. I share the Senator's feeling that it will be impossible, or next to impossible, to enforce a law of this kind without getting that type of inquisitorial pressure to which we are all opposed, but I do feel that while the Senator is talking about the Bill of Rights I have to put up my hand for what I think is one of the great fundamentals of our country, namely, equality of opportunity in education and in occupation. I thank the Senator.

682488—14836

(Not printed at Government expense)

Congressional Record

United States of America PROCEEDINGS AND DEBATES OF THE 80th CONGRESS, FIRST SESSION

Proposed Antidiscrimination Legislation

EXTENSION OF REMARKS

OF

HON. IRVING M. IVES

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Monday, April 21, 1947

ADDRESS BY WILLIAM GREEN ON PROPOSED ANTIDISCRIMINATION LEGISLATION

[Mr. IVES asked and obtained leave to have printed in the RECORD an address on proposed antidiscrimination legislation delivered by William Green, president of the American Federation of Labor, at a dinner meeting of the board of directors of the National Council for Permanent FEPC, in Washington, D. C., April 17, 1947, which appears in the Appendix.]

Mr. IVES. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD a recent statement by Mr. William Green, president of the American Federation of Labor, which has a direct bearing on important legislation now before the Congress. The statement has great significance, and it is brief, and it is for that reason that I ask that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

It is a real privilege to take part in this gathering held in the Capital City of the United States, the city which stands today before the peoples of the whole world as the stronghold of democracy and freedom, and as a symbol of free and equal opportunity.

Equal opportunity for all men in a community to enjoy the full fruits of their labor and through their productive contribution to earn a better standard of living, without regard to race, religion, color, or national origin, is a sacred principle, inseparable from the true practice of democracy in a free society.

It is a principle which America has affirmed to the nations of the world in the midst of the clash and thunder of a devastating war.

It is a principle which America has reasserted in proclaiming its dedication to a lasting peace.

It is a principle which has given us, as Americans, dignity and stature in our own eyes and in the eyes of others.

It is a principle which has given both hope and faith to men and women oppressed by economic discrimination and political dictatorship.

As a principle, and as a way of living and working, equality of economic opportunity cannot become a reality through mere affirmation. A national policy to which Americans have been dedicated from the early days of our Republic calls for more than affirmation. It must be put to practice.

Too many of us, while firmly believing in the deep injustice of economic discrimination, have given little more than lip service to the need for firm and unequivocal action for the eradication of intolerance, hatred, and blatant discrimination against minorities.

The need to deal effectively with discrimination in employment has long been realized. It is by no means easy to devise effective means whereby the community can prevent economic discrimination and yet safeguard the rights of individuals against undue invasion through Government intervention.

Legislation designed to prevent discrimination, which is written without exhaustive study and thorough consideration, would be only ill-conceived and unrealistic. But during the past 6 years the Government of the United States has given careful thought and thorough investigation to discriminatory employment practices in private industry mobilized for war, as well as in the Government itself. Extensive private studies have been conducted by national organizations, welfare, religious, and labor groups determined to further the attainment of the goal of fair employment opportunity for everyone. In addition, Congress itself has conducted lengthy hearings on a variety of legislative proposals concerned with the implementation of the fair employment policy of the Nation. And finally, and of equal importance, has been the experience built up under the enactments of the several States translating the fair-employment practice policy into reality.

The Ives-Chavez bill in the Senate, and the Fulton and Norton bills in the House are based on a firm foundation of both study and experience. They constitute not only a true effective instrument of national policy, but also accord with the ideals and freedoms proclaimed and guarded by our Constitution.

The enactment of this legislation is more urgent than it has ever been before. The future prosperity and strength of our Nation depend on economic unity. There can be no prosperity for some without a firm assurance of a full and equal opportunity to share in that prosperity extended to all.

Our economic transition to a peacetime pace has not yet been completed. Full production and full employment have not yet been assured. The signs are multiplying that minority groups, and especially the Negro, are being dealt out of the deck in the reshuffle of jobs throughout our industry and trade. Those who have acquired skills and have been given special training and who

could make an important contribution to the production and economic progress of the Nation find themselves left out altogether or offered jobs only at the lowest paid and most menial occupations. That is a threat to our economic strength as a nation. It is a threat which we cannot afford to let go unheeded when the economic reconstruction of the whole world and the survival of freedom in it depend in such a large measure on the economic stability and power of the United States.

More than 900,000 members of the American Federation of Labor are Negroes. Among more than 50,000 of our local unions banded together in our great national federation there have been in the past, and are today, those who have violated the principle of nondiscrimination. As a great federation, made up of men and women living and working across the length and breadth of the land, we have many among us who are not without sin. Yet our federation is unswervingly and decisively dedicated to the principle of equal employment opportunity open to all without regard to race, creed, color, or national origin. Our sixty-fifth annual convention, held in Chicago, reaffirmed its urgent call for congressional enactment of fair employment practice legislation at the earliest possible date. The American Federation of Labor has also given its unqualified endorsement and support to the National Council for a Permanent FEPC as the proper agency for the coordination of the great citizens' effort toward the enactment of this legislation.

With the active support of the national council and with the counsel of representatives of the American Federation of Labor, the Ives-Chaves bill has been drawn. It is my impression based upon an examination of an analysis of the bill that the proposed statute is as effective as has been drawn. I believe that bill is far superior to previous legislative proposals in its effectiveness and its realism. It provides a procedure which affords the fullest opportunity to be heard to all parties concerned and completely safeguards any final action of the national commission with fullest judicial review. It provides, as it properly should, for conciliation and mediation in any situation where those concerned refuse to cooperate in making nondiscrimination effective. And above all it encourages the effective exercise of the voluntary processes, so that out of that use can come the understanding which will enable all of us to work together.

The Ives-Chaves bill is fair and reasonable in every respect. While it rejects oppressive intervention, it makes effective enforcement certain. Its enactment can be opposed only on the grounds of dark prejudice or hate. I know that the final enactment of this bill will not be easy. It calls for the vocal support of millions of Americans to whom the Congress must be responsive. On behalf of 800,000 Negro wage earners of every skill and calling and on behalf of hundreds of thousands of Catholics and Jews whom I have the honor to represent as a spokesman of a great brotherhood, the American Federation of Labor, I call on every American, through his active support, to contribute to the utmost of his resources to the speedy passage of the Ives-Chaves antidiscrimination bill.

U. S. GOVERNMENT PRINTING OFFICE, 1947

Elimination of Discrimination in Employment

Extension of Remarks of

Hon. Dennis Chavez

of New Mexico

in the

Senate of the United States

Monday, May 26, 1947

Not printed at Government expense

United States Government Printing Office, Washington : 1947

757659—22271

Elimination of Discrimination in Employment

Extension of Remarks of

Hon. Dennis Chavez

of New Mexico

in the

Senate of the United States

Monday, May 26, 1947

Not printed
at Government
expense

United States Government Printing Office, Washington : 1947

75705—47211

EXTENSION OF REMARKS

OF

HON. DENNIS CHAVEZ

Mr. CHAVEZ. Mr. President, I ask unanimous consent to have printed in the RECORD questions and answers prepared by me in connection with Senate bill 984, having to do with the elimination of discrimination in employment.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Mr. President, because of increasing inquiries about the provisions of S. 984, a bill introduced by the junior Senator from New York for himself and Senators SALTONSTALL, SMITH, MORSE, DOWNEY, MURRAY, MYERS, and myself, as the time for the beginning of Senate Labor and Public Welfare Subcommittee hearings approaches (June 11, 12, 13, 18, 19, 20), I ask unanimous consent to insert in the Appendix of the RECORD a set of questions and answers dealing with the principal points of interest in S. 984.

1. Question. What does the bill provide?

Answer. It will prohibit discrimination in employment because of race, religion, color, national origin, or ancestry (sec. 5). It creates a permanent national commission against discrimination in employment to prevent such discrimination (sec. 6).

2. Question. Why should we outlaw discrimination in employment?

Answer. It is un-American. It results in low income for minority groups, thus limiting the market for goods and employment opportunities generally. It leads to interracial conflict. It creates a supply of strikebreakers. It forces minority groups into substandard conditions of living, detrimental to the community. It depresses wage levels. It decreases the Nation's capacities for full production, stable prosperity, and security (sec. 2a). It injures our standing with the United Nations (sec. 2c).

3. Question. What groups are forbidden to discriminate by the bill?

Answer. Agencies of the Federal Government; employers of 50 or more persons whose operations affect interstate or foreign commerce; Federal contractors and subcontractors who employ 50 or more persons; labor unions whose practices affect interstate commerce (sec. 3).

4. Question. What types of discrimination are forbidden by the bill?

Answer. Only discrimination in employment or union membership, i. e., hiring, discharge, wages, seniority, transfers, demotions, upgrading, union auxiliaries, etc. (sec. 5). The bill does not apply to discrimination in education, transportation, recreation, voting, or places of public accommodation.

5. Question. What principal minority groups are protected by the bill?

Answer. Thirteen million Negroes, 5,000,000 Jews, 20,000,000 Catholics, 3,000,000 Americans of Mexican and Hispanic origin, 11,000,000 persons of foreign birth.

6. Question. How will the Commission be constituted?

Answer. It will be a permanent salaried Commission of seven members, appointed by the President with the advice and consent of the Senate, for 7-year terms (sec. 6). The size of its staff will depend upon the amount of money Congress appropriates for it.

7. Question. How will the Commission determine whether an employer or union has discriminated?

Answer. By careful and thorough investigation of the complainant's charge, the employer's or union's explanation, and the surrounding circumstances. The burden of proof will be on the complainant, not the party accused. If the Commission believes the charge has merit, it will seek to adjust it by informal and voluntary methods. A new feature of this bill provides for the setting up of regional, State, and local conciliation councils to promote fair employment practices by information, education, and conciliation. Where settlement is not possible by conciliation, the Commission will conduct a full and fair hearing in which the party charged has the right by counsel to present his version of the facts and to cross-examine witnesses. After the hearing, the Commission will issue a decision and order (sec. 7). If the order is not complied with, the Commission will appeal to the Federal Circuit Court to enforce it. Defiance of the

court will subject the accused party to penalti. for contempt of court. The Commission's administrative procedure is like that of ICC, FTC, SEC, FPC, FCC, and other administrative agencies (sec. 8).

8. Question. How can discrimination be proved?

Answer. The acts or statements of a party charged are used to prove discrimination. In many cases discrimination is flagrant and revealed by newspaper advertisements, discriminatory orders to employment agencies, pay-roll records, or contracts between unions and employers. In other cases, an employer's pattern of rejections or statements made by personnel officers often indicate discrimination. Weak complaints will be dismissed by the Commission without even the necessity of a hearing.

9. Question. What penalties are provided for violators?

Answer. No criminal or civil penalties, except (1) a penalty of from $100 to $500 for refusal to post notices regarding the act in work places, and (sec. 11) (2) a fine of up to $500 and imprisonment up to 1 year for forcibly interfering with a member or employee of the Commission in the performance of his duties (sec. 14). The Commission may merely petition a Federal court to compel obedience to its orders. Violation of a court decree is punishable as a contempt of court. The Commission's orders are enforcible only by the courts after full hearing.

10. Question. What is the penalty when a Government official or agency discriminates?

Answer. The Commission may request the President to compel obedience to its orders (sec. 10).

11. Question. Does the bill require an employer to hire Negroes, Jews, Mexicans, or other minorities?

Answer. No. An employer may hire or reject anyone he pleases, on any basis and for any reason, so long as a needed and qualified person is not rejected because of his race, religion, color, national origin, or ancestry (sec. 5).

12. Question. Does the bill require an employer to hire a particular percentage or quota of Negroes or of any other minority group?

Answer. Definitely not. The bill provides only that employees shall be selected on the basis of their qualifications (sec. 5). A quota plan makes hiring dependent upon nonoccupational qualifications and is, therefore, itself discriminatory.

757659—22271

13. Question. Will the courts be able to revew the decisions of the Commission?

Answer. An employer or union aggrieved by a Commission order may appeal to the courts. A court will review all questions of law. On questions of fact, the findings of the Commission will have to be supported by substantial evidence (sec. 8). This is the customary procedure for judicial review of administrative agencies and has been approved by the Supreme Court. Orders against Federal agencies are not subject to review.

14. Question. Does the bill apply to State or municpal employees?

Answer. No; nor does it apply to any State agency.

15. Question. Does the bill apply to small retail stores or domestic servants?

Answer. No. It applies only to those employers who are engaged in interstate commerce or operations affecting such commerce and who employ 30 or more persons (sec. 3).

16. Question. Are religious, charitable, fraternal, social, educational, or sectarian nonprofit corporations or associations subject to the bill?

Answer. No (sec. 4). But labor organizations are included (secs. 3 and 5).

17. Question. Will the bill make possible racketeering, blackmail, or groundless suits?

Answer. No; because the Commission will dismiss all groundless charges on its own initiative, without formal proceedings and before there is any contact with the accused employer (sec. 7a). The wartime Fair Employment Practice Commission dismissed two-thirds of all the complaints filed with it. It thus served as a necessary safety valve for people who thought they were discriminated against. The Commission, likewise, would fill this need.

18. Question. What guaranties are there that the Commission will not itself be biased and unfair?

Answer. The members of the Commission will be appointed by the President of the United States and will have to be approved by the United States Senate (sec. 6a). That is the best guaranty of a fair-minded Commission. In addition, the orders of the Commission can be enforced only by the courts (sec. 8). The Administrative Procedures Act of 1946 and the Supreme Court require a fair hearing before an administrative agency.

19. Question. What supervision will Congress exercise over the Commission?

Answer. Congress will pass upon its annual request for an appropriation. Congress also may, by concurrent resolution, amend or cancel any regulation of the Commission (sec. 13). Congress can at any time investigate the conduct of any administrative agency.

20. Question. Is there enough discrimination in employment to justify a Federal bill?

Answer. The wartime FEPC received almost 7,000 complaints since it was created in July 1943, and it had jurisdiction only over war industries or Government agencies. Many of these complaints involved thousands of workers or an entire industry. In its final report, FEPC included a postwar study of employment practices in 11 American cities and found discrimination increasing. The report's final recommendation was for permanent legislation against discrimination in employment. "No device will solve the problem short of the enactment by Congress of Federal fair employment legislation" (p. XVI).

Bills have been introduced in 20 States proposing the elimination of discrimination. This indicates how widespread the problem it. Only one-quarter of the wartime FEPC's cases originated in the South.

21. Question. Is this a new idea in Federal legislation?

Answer. No. The United States Constitution forbids discrimination by the Government; this bill extends the principle to employers and trade-unions. In the last 10 years Congress has enacted 23 laws which forbid discrimination in their enforcement.

22. Question. Is the bill constitutional?

Answer. Certainly. The United States Supreme Court has repeatedly condemned discriminatory employment practices. A New York law forbidding discrimination by trade-unions was recently upheld as constitutional.

23. Question. Does the bill prohibit prejudice?

Answer. No. Prejudice is a state of mind The bill prevents the act of discrimination which affects pay envelopes. Discrimination can be eliminated or at least greatly reduced by a firm national policy. This law will protect those who do not discriminate.

757659—22271

24. Question. But discrimination is based on prejudice; prejudice is an attitude of mind; is there any more chance of changing this attitude than there was of the prohibition law changing the drinking attitudes of the Nation?

Answer. This law has nothing to do with prejudice itself; it merely seeks to prevent one person's manifestations of prejudice from inflicting themselves upon the economic life of another, within the limits of Federal jurisdiction in employment.

This bill is related to prejudice only as laws forbidding driving while drunk are related to drinking.

25. Question. Can the bill be enforced effectively?

Answer. No law ever receives 100 percent obedience, but the great majority of employers and trade-unions are law abiding The small minority will have to conform Even the wartime FEPC without sanctions and with a small staff was able to stop a great deal of discrimination. And today State laws in New York, New Jersey, and Massachusetts are actually working successfully. This bill is identical with them in purpose and method. A similar bill has just been passed in Connecticut.

26. Question. Isn't this bill class legislation? Does the bill confer special privileges on minorities?

Answer. No. No special privilege is granted any group. It merely assures equality of opportunity and equality of treatment. It requires that persons shall be hired on the basis of their qualifications and not rejected because of the immaterial fact of their color or religion or place of birth.

27. Question. Does this bill impair or conflict with existing State laws?

Answer. No. It dovetails with State laws. It does not invade States' rights.

28. Question. Cannot this problem be handled by the States themselves?

Answer. Only four States—New York, New Jersey, Massachusetts, and Connecticut have comprehensive and effective laws forbidding discrimination in employment. Federal action is needed to protect States having such laws against unfair competition in other States that do not have such laws. Federal action is also needed because most large employers or trade-unions have plants or locals scattered throughout the country in

every State. Finally, Federal employees can be protected only by a Federal act and uniform standards and enforcement. The Federal Government can most effectively enforce the Federal Constitution.

29. Question. Does this bill promote social equality?

Answer. The bill has nothing to do with personal or social relationships. It is concerned only with equality of job opportunity.

30. Question. Will such a law cause riots or bloodshed?

Answer. On the contrary, it will lessen the danger of such violence because orderly governmental procedure will be substituted for mob action. After the last war there were 26 major race riots. A repetition must be avoided. If enacted, this bill will do that job.

31. Question. Cannot this problem be handled by education alone?

Answer. No. Education is desirable, but as a supplement, not an alternative, to Federal legislation. There are always a few employers or unions who cannot be relied upon for voluntary cooperation. Legislation itself is a most effective form of education. The problem is so urgent it requires immediate action, without waiting for the slow, uncertain processes of education. Education alone in the last 80 years has not proved effective.

32. Question. Is not the Supreme Court decision in the Negro fireman's case adequate to eliminate discrimination?

Answer. The decision in *Steele* v. *Louisville Railroad*, decided December 18, 1944, applies only to discrimination arising from a contract between an employer and a labor union. It leaves untouched all the varying forms of discrimination engaged in by employers acting alone. There are no Federal statutes today which forbid racial or religious discrimination in employment.

33. Question. Wouldn't this bill destroy the American system of free enterprise?

Answer. Free enterprise does not mean unlimited license. The basis of Anglo-American jurisprudence is the realization that every man owns and operates his property and business subject to the requirements of the public welfare. In the long run, his survival and prosperity depend upon the public welfare. If there were no impartial governmental referee continually on guard, the free-enterprise system would soon destroy itself. Besides, there is no truly free enterprise as long as work opportunities are arbitrarily denied certain groups regardless of ability, character, aptitude, and training.

34. Question. Doesn't this bill create another regulatory body when business is already burdened with regulations?

Answer. Scores of laws safeguard the property and other rights of business. Human rights are no less important than property rights, and equally deserve the protection of law.

35. Question. Doesn't this bill restrict the rights of an employer in employee selection and take away his right to manage his own business?

Answer. No restriction is placed on the employer's right to employ or to up-grade an employee on the basis of his own judgment of the candidate's training, experience, ability, personality, or whatever standards he may choose to set. Nor does the law force business to hire any person or refrain from firing any specific person. On the contrary, it protects the employer in his right to choose the best candidate without regard to race, religion, color, or national origin.

36. Question. The law provides for conciliation to work out such problems. Is it fair to insist that an employer hire members of a minority group if his other employees refuse to work with them? Won't this induce friction between the workers themselves and between workers and management?

Answer. The law applies to unions as well as to management, or it would be discriminatory in itself, and the industries where the law would apply are for the most part unionized. Besides, it has been the experience of the overwhelming majority of employers who have (many of them for the first time during the war) employed minority-group workers that their fears of employee friction were not realized, once management had taken a firm, clear-cut position.

37. Question. Wouldn't an employer be forced to hire a complainant, even though the employer has no vacancy and would have to fire an employee to take the complainant?

Answer. The Commission would have no authority to compel an employer to hire when no vacancy exists or to fire an employee to create a vacancy for anyone.

787659—22271

38. Question. Won't enforcement of such a law add to the businessman's cost of running his business?

Answer. On the contrary, it will protect him in his right to hire the best man for the job. It will help also to eliminate unfair price cutting by competitors who pay lower wages to members of minority groups. It will promote smooth working relationships, reduce labor turn-over and interruptions, and thereby promote efficient production at lower unit costs.

39. Question. Has the Federal government the right to interfere with the way in which a man conducts his business?

Answer. It is the legitimate concern of a community that industry within its environs should employ all available labor, without regard to race, religion, color, or national origin. The short-sighted employer who limits the materials he can produce and sell because he refuses to hire minority-group workers not only keeps down his own profits; he also keeps down the income of the entire community. Raising the living standards of the most depressed group in a community automatically results in raising the standards of all other groups. The corner grocer, the dry goods merchant, the public utilities, all prosper when the workingman has a job and decent wages. Establishing fair employment will add, in the case of Negro wage-earners alone, a new domestic purchasing power and market of about $10,000,000,000 a year, according to estimates by the National Association for the Advancement of Colored People.

40. Question. Why shouldn't the Federal courts handle this problem instead of a new administrative agency?

Answer. An administrative agency is necessary—

(a) To prevent the flooding of courts and the clogging of their calendars to the detriment of their other work;

(b) To screen out worthless complaints which otherwise would harass innocent employers or unions. A respondent has to defend every suit filed in court, but most administrative agencies dismiss from two-thirds to three-fourths of all charges submitted;

(c) To protect the rights of employees without compelling them to hire their own lawyers;

(d) To insure speedy action and avoid delays and excessive costs in the courts;

(e) To insure uniformity by having one agency interpret the bill, subject to supervision and correction by Congress, instead of 94 Federal district courts;

(f) To permit a commission of experts to devote full time to the problem;

(g) To avoid the necessity of criminal penalties which juries hesitate to impose.

41. Question. Why does not the bill allow an accused party a jury trial?

Answer. Except for refusal to post notices and interferences with Commission offenses in their duties, the bill imposes no criminal or civil penalties, nor should it in this type of legislation. The only sanction the bill provides is a cease-and-desist order, carrying no penalties. A jury trial (used in criminal cases or private suits to settle private differences) is inapplicable. Society has a stake in eliminating discrimination and should therefore assume the responsibility and costs of such enforcement, rather than leave it to private parties to hire their own lawyers and enforce the national policy. Such enforcement by private suit is haphazard and means long-drawn, complicated, expensive litigation.

42. Question. Does this bill repeal or impair veterans' preferences?

Answer. No. All veterans' preferences are explicitly continued in effect (sec. 12). The bill forbids discrimination only because of race, color, creed, national origin, or ancestry. It does not forbid discrimination because of war service.

43. Question. Who introduced the bill?

Answer. S. 984 was introduced March 27, 1947, by Senator IVES for himself and for Senators SALTONSTALL, SMITH, MORSE, CHAVEZ, DOWNEY, MURRAY, and MYERS. On the same day the identical bill (H. R. 2824) was introduced in the House of Representatives by Congressman FULTON. Since then other Representatives joined in cosponsoring the bill. Senator ROBERT A. TAFT, chairman of the Senate Labor and Public Welfare Committee, has named a subcommittee to hold hearings on S. 984 and to make a report and recommendation to the full committee. The members of this subcommittee are: Senators FORREST C. DONNELL, Missouri, chairman; IVES, New York; SMITH, New Jersey; ELLENDER, Louisiana; and MURRAY, Montana.

757659—22271

44. Question. What national groups are supporting this legislation?

Answer. The following is an incomplete list:

Alpha Kappa Alpha Sorority.
American Association of University Women.
American Civil Liberties Union.
American Federation of Labor.
American Friends Service Committee.
American Jewish Committee.
American Jewish Congress.
American Unitarian Association.
American Unitarian Youth.
B'nai B'rith.
Catholic Interracial Council.
Central Conference of American Rabbis.
Common Council for American Unity.
Congregational Christian Churches (Council for Social Action).
Congress of Industrial Organizations.
Delta Sigma Theta Sorority.
Evangelical and Reformed Church, General Synod.
Federal Council of the Churches of Christ in America.
Fraternal Council of Negro Churches in America.
Improved Benevolent and Protective Order of Elks of the World.
International Brotherhood of Sleeping Car Porters (A. F. of L.).
International Ladies Garment Workers Union of America (A. F. of L.).
Iota Phi Lambda Sorority.
Jewish Labor Committee.
Jewish War Veterans of the United States.
League of United Latin-American Citizens.
March on Washington Movement.
Methodist Church, General Conference.
Methodist Ministers' Union.
National Alliance of Postal Employees.
National Association for the Advancement of Colored People.
National Association of Colored Graduate Nurses.
National Bar Association.
National Community Relations Advisory Council.
National Conference of Christians and Jews.
National Consumers League.
National Council of Catholic Women.
National Council of Jewish Women.
National Council of Negro Women.
National Council of Student Christian Associations.
National Council for a Permanent FEPC.
National Farmers Union.
National League of Women Shoppers.
National Negro Insurance Association.
National Urban League.
National Women's Trade Union League of America.
Negro Newspaper Publishers Association.
Postwar World Council.
Presbyterian General Assembly.
Sigma Gamma Rho Sorority.
National Farm Labor Union (A. F. of L.).
Union of American Hebrew Congregations.
Americans for Democratic Action.
United Council of Church Women.
Upholsterers International Union of North America (A. F. of L.)
Women's Division of Christian Service, Methodist Church.
Women's Division of the American Jewish Congress.
Women's International League for Peace and Freedom.
Workers Defense League.
Young Men's Christian Association, National Board.
Young Women's Christian Association, National Board.

757060—22271

O

A Sorry Sight

SOME misunderstanding seems to have been created about the action of its sponsors in bringing before the Senate at this time the bill to create a permanent Fair Employment Practices Commission to eliminate discrimination in jobs on account of race, creed or color.

Southerners who have organized an old-fashioned filibuster to prevent a vote on the measure are complaining that bringing up this "controversial" bill now is holding back important legislation.

This simply is not true.

Aside from the fact that this bill is a rather important measure, and is so regarded by President Truman, what is glossed over is that no other important legislation is yet ready for consideration by the Senate. Other important bills, including labor legislation, still are being studied by committees.

* * *

IF the FEPC bill were considered on its merits, as is other legislation, without the filibuster it would take only a few days to debate it thoroly. A majority in the Senate is for passage. That is known. It was approved by committee months ago and has been on the calendar since last May. It could be passed and out of the way by the time other bills are ready.

Those are the facts. Don't be misled by angry southern senators with indignant harangues about this bill holding up other important legislation. It just isn't so, and they know it isn't so. The truth is important, however anyone may feel about this particular bill.

When a filibuster such as the present one occurs, reporters covering the Senate dig back into the records and write feature stories about filibusters of the past and the amusing incidents that happened. It is standard

By Thomas L. Stokes

newspaper technique. This reporter has seen many filibusters and done all those things.

• • •

BUT, after you have been around for nearly 25 years, the filibuster loses its amusing features. It becomes stale, like an old family joke about something you did as a youngster. It all looks a bit childish and puerile for grown men.

Maybe it's a sign of age that the present crew of filibusterers don't seem to have the old touch, seem to lack originality. When Sen. Overton (D., La.) brought out the old trick of having the journal of the day before approved line by line, he went to the Congressional Record to see how the late Sen. Pat Harrison, a master of this sort of buffoonery, had done it back in 1922 in connection with the anti-lynching bill.

He and Sen. Eastland (D., Miss.) staged the usual mock serious debate about whether the chaplain's prayer contained anything political. The Louisiana Senator's use of the prayer might not have been so pleasing to some of his constituents had they seen and heard it; but, of course, some of the more religious of his constituents are probably black, and they can't vote anyhow.

• • •

ONE sentence in the prayer stood out:

"Thru the fiery destruction of the old, may there be vouchsafed to us vistas of a richer and fairer earth to be."

As Sen. Chavez (D., N. Mex.) said about the boys who were sent to Europe and China and the Pacific: "The only decoration which thousands of them received was a white cross surmounting a grave. So we should look at the record; look at the casualty lists. On them there will be found the name of McGinty, an Irishman; the name of Michael, an Armenian; the name of Levine, a Jew; the name of Chavez, a Mexican."

Is there any reason why their kin should be discriminated against in a job in our democracy?

All the FEPC bill does is to try to prevent that.

FCPC admin

Estimated attitudes on cloture and on S.1728

STATE	SENATOR*	FEPC CLOTURE VOTE, 1946 (1)	VOTE ON BARKELY RULING 1949 (2)	COMMITMENTS ON CLOTURE TO NATL. COUNCIL and/or MOBILIZATION
Arizona	Hayden(D)*	N	N	
	McFarland(D)	N	N	
California	Downey(D)*	Y	Y	x
	Knowland(R)	Y	Y	x
Colorado	Millikin(R)*	N	N	
	Johnson (D)	Y	Y	x
Connecticut	Benton (D)*			x
	McMahon(D)	Y	Y	x
Delaware	Williams(R)		PN	
	Frear (D)		Y	
Idaho	Taylor (D)*	Y	Y	x
	Dworshak(R)*			
Illinois	Lucas (D)*	Y	Y	x
	Douglas (D)		Y	x
Indiana	Capehart(R)*	Y	N	x
	Jenner (R)		N	x
Iowa	Hickenlooper(R)*	Y	N	x
	Gillette (D)		PN	x
Kansas	Schoeppel(R)		N	
	Darby (R)*			
Kentucky	Withers(D)*		Y	
	Chapman(D)		N	
Maine	Brewster(R)	Y	Y	x
	Smith (R)		Y	x
Maryland	Tydings(D)*	N	Y	
	O'Conor(D)		Y	
Mass.	Saltonstall(R)	Y	Y	x
	Lodge (R)		Y	x
Michigan	Vandenberg(R)	Y	N	x
	Ferguson(R)	Y	Y	x
Minnesota	Thye (R)		N	x
	Humphrey(D)		Y	x
Missouri	Donnell (R)*	PY	N	
	Kem (R)		N	
Montana	Murray (D)	Y	PY	x
	Ecton (R)		N	
Nebraska	Butler(R)	Y	N	x
	Wherry(R)	Y	N	x
Nevada	McCarran(D)*	N	N	
	Malone (R)		N	
N.H.	Tobey (R)*	Y	PY	x
	Bridges(R)	N	N	
N.J.	Smith (R)	Y	Y	x
	Hendrickson(R)		Y	x
N.M.	Chavez (D)	Y	Y	x
	Anderson(D)		PY	(3)
N.Y.	Ives (R)		Y	x
	Lehman (D)*			x
N.D.	Langer (R)	Y	N	x
	Young (R)*	PN	N	

Ohio	Taft (R)*	Y	Y	x
	Bricker (R)		N	
Oklahoma	Thomas (D)*	Y	Y	x
	Kerr (D)		N	
Oregon	Morse(R)*	Y	Y	x
	Cordon(R)	Y	N	
Pa.	Myers (D)*	Y	Y	x
	Martin(R)		N	x
R.I.	Green (D)	Y	Y	x
	Leahy (D)			(3)
S.D.	Gurney(R)*	N	N	
	Mundt (R)		N	
Utah	Thomas (D)*	Y	Y	x
	Watkins(R)		N	
Vermont	Aiken (R)	Y	Y	x
	Flanders(R)		Y	(3)
Wash.	Magnuson(D)*	Y	Y	x
	Cain (R)		N	
W.Va.	Kilgore (D)	Y	Y	x
	Neely (D)		Y	x
Wisconsin	Wiley (R)*	PN	Y	
	McCarthy (R)		Y	x
Wyoming	O'Mahoney(D)	PN	Y	
	Hunt (D)		Y	

* up for reelection this year
(1) Y = vote for cloture, PY and PN=paired for and paired against
(2) Y = support of the Barkely ruling, PY and PN= paired in support and paired against the ruling
(3) Although no specific commitment has been received, may with reasonable certainty be expected to vote for cloture.

According to the above chart, we have commitments, or other assurances, for 45 votes for cloture. These represent 21 Democrats and 24 Republicans. In order to secure the necessary 64 votes, a minimum of 8 additional votes must be obtained from among the Democrats and 11 from among the Republicans.

The following 10 Democrats, all of whom supported the Barkely ruling, appear to offer the best possibilities for the 8 additional Democratic votes: Frear, Withers, O'Connor, Tydings, Hunt, O'mahoney, Kerr, Pepper, Graham, Kefauver.

Additional Republican support for cloture is likely to hinge on the extent to which the Republican leadership feels it can pass the Taft amendment. The following seem to be the 11 best Republican prospects: Donnell, Kem, Cordon, Schoeppel, Darby, Williams, Watkins, Wiley, Dworshak, Millikin, Young.

Even assuming that cloture can be invoked, prospects for securing 49 votes in support of the McGrath Bill appear none too bright. None of the 10 Democrats or 11 Republicans listed above are likely to fight for enforcement provisions. Of the 45 Senators from whom cloture commitments have been obtained, 20 of the 21 Democrats (excluding Gillette) may be expected to support a strong bill. Of the 23 Re-

publicans, committed to cloture, at least 8 (Taft, Wherry, Smith,N.J. Capehart, Jenner, Brewster, Martin, McCarthy) will support the Taft version of the McConnell Bill. Thus, there appears to be a maximum of 36 votes for an FEPC with teeth.

Adoption of the McConnell amendment in the House was made possible by solid support from the Southern Democrats, who, recognising that the House would pass some kind of a bill, lent their support to the weaker measure. Southern Democrats, however, want no FEPC and the Southern members of the House, who supported the McConnell amendment, voted unanimously against the bill on final passage. In the Senate, passage of a McConnell-Taft amendment will be equivalent to enactment of an FEPC law. Accordingly, Southern Senators may very well join with Northern Democrats to defeat such an amendment and then join the Republicans in opposition to the McGrath Bill. Application of cloture does not.therefore automatically insure passage of an FEPC.

AA:RB

(Not printed at Government expense)

Congressional Record

PROCEEDINGS AND DEBATES OF THE 81ST CONGRESS, FIRST SESSION

FEPC

EXTENSION OF REMARKS

OF

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Monday, September 19 (legislative day of Saturday, September 3), 1949

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the Appendix of the CONGRESSIONAL RECORD an article by Mr. Bradley Morison, which appeared in the Minneapolis (Minn.) Spokesman of Friday, August 26, 1949.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALMOST ABOUT EVERYTHING

(By Percy Villa)

(EDITOR'S NOTE.—While Percy Villa is taking a vacation a number of well-known citizens have pinch hit for him in this column. This week's column is by Bradley Morison, associate editorial editor of the Minneapolis Tribune. Self-effacing Bradley Morison is one of the Nation's top editorial writers.)

WHEREIN PAPA EXPLAINS FEPC

(By Bradley Morison)

Question. Papa, what does FEPC mean?

Answer. Why, that means Fair Employment Practice Commission, Sonny.

Question. What does that mean, Papa?

Answer. It means, Sonny, that everybody gets an equal chance at jobs, whether he is white or——

Question. Is that good, Papa?

Answer. Heavens no, dear; it's very bad.

Question. Why is it bad, Papa?

Answer. Because a lot of redicals and troublemakers are behind it. They want to——

Question. You mean like Communists, Papa?

Answer. Yes; that's it, exactly; like Communists. They want to——

Question. Papa, it says here that Governor Dewey, of New York, is for FEPC. Is he a Communist, Papa?

Answer. Of course not, Sonny. Don't be a fool——

Question. It also says, Papa, that Nelson A. Rockefeller, Paul G. Hoffman, Eric Johnston, and Beardsley Rumi have all supported FEPC legislation. Are they radicals and troublemakers, Papa?

Answer. Don't be silly, my dear child. Why they are some of our most highly respected——

Question. Papa, it says here that the Republican Party approved the principles of FEPC at its 1948 convention. Is the Republican Party awfully radical, Papa?

869321—32449

Answer. No, indeed, my son. As a matter of fact, it's quite——

Question. And, Papa, it says here that the American Legion Department of Minnesota passed a resolution favoring FEPC at its last State convention. Is the American Legion terribly radical, Papa?

Answer. Why, of all the absurd ideas. The American Legion is one of the most patriotic and——

Question. Papa, it says here in the New York Herald Tribune that the FEPC has been a big success in New York State. Is the New York Herald Tribune a Communist newspaper, Papa?

Answer. Well, I should say not. I can't imagine a more——

Question. Papa, it says here in the Declaration of Independence that "all men are created equal, that they are endowed by the Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness." Is that communism, Papa?

Answer. Now, don't be a silly goose. Why, it's the very opposite of——

Question. But, Papa, if all men are created equal and are entitled to life, liberty, and the pursuit of happiness why shouldn't they have an equal chance at jobs?

Answer. Because, Sonny. That means interfering in other people's business and in this country every man has a right to do exactly as he pleases without some bumbling bureaucrat——

Question. You mean that we can drive down Nicollet Avenue 80 miles an hour if we want to, Papa?

Answer. Oh, heavens, no, dear. You see, the law says we can't do that because we might seriously injure someone if we——

Question. Papa, does it seriously injure a man when he can't get a job just because he's the wrong color or religion or——

Answer. Of course it does, but——

Question. Well, Papa, if it's O. K. to have speed laws to keep people from getting hurt, I don't see why FEPC is so awfully, terribly——

Answer. Oh, shush, son! Be still. Can't you see I'm trying to help your sister Mary write her theme on Our American Heritage of Freedom?

869321—32449

U. S. GOVERNMENT PRINTING OFFICE: 1950

re- FEPC Bill

80TH CONGRESS
1ST SESSION

S. 984

IN THE SENATE OF THE UNITED STATES

MARCH 27 (legislative day, MARCH 24), 1947

Mr. IVES (for himself, Mr. SALTONSTALL, Mr. SMITH, Mr. MORSE, Mr. CHAVEZ, Mr. DOWNEY, Mr. MURRAY, and Mr. MYERS) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To prohibit discrimination in employment because of race, religion, color, national origin, or ancestry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Act Against Discrimination in Employment".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that the practice of discriminating in employment against properly qualified persons because of their race, religion, color, national origin,

or ancestry is contrary to the American principles of liberty and of equality of opportunity, is incompatible with the Constitution, forces large segments of our population into substandard conditions of living, foments industrial strife and domestic unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects the domestic and foreign commerce of the United States.

(b) The right to employment without discrimination because of race, religion, color, national origin, or ancestry is hereby recognized as and declared to be a civil right of all the people of the United States.

(c) This Act has also been enacted as a step toward fulfillment of the international treaty obligations imposed by the Charter of the United Nations upon the United States as a signatory thereof to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".

(d) It is hereby declared to be the policy of the United States to protect the right recognized and declared in subdivision (b) hereof and to eliminate all such discrimination to the fullest extent permitted by the Constitution. This Act shall be construed to effectuate such policy.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or any organized group of persons and any agency or instrumentality of the United States or of any Territory or possession thereof.

(b) The term "employer" means a person engaged in commerce or in operations affecting commerce having in his employ fifty or more individuals; any agency or instrumentality of the United States or of any Territory or possession thereof; and any person acting in the interest of an employer, directly or indirectly.

(c) The term "labor organization" means any organization, having fifty or more members employed by any employer or employers, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or for other mutual aid or protection in connection with employment.

(d) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between any State, Territory, or the District of

Columbia and any place outside thereof; or within the District of Columbia or any Territory; or between points in the same State but through any point outside thereof.

(e) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce.

(f) The term "Commission" means the National Commission Against Discrimination in Employment, created by section 6 hereof.

EXEMPTIONS

SEC. 4. This Act shall not apply to any State or municipality or political subdivision thereof, or to any religious, charitable, fraternal, social, educational, or sectarian corporation or association, not organized for private profit, other than labor organizations.

UNLAWFUL EMPLOYMENT PRACTICES DEFINED

SEC. 5. (a) It shall be an unlawful employment practice for an employer—

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, religion, color, national origin or ancestry;

(2) to utilize in the hiring or recruitment of individuals for employment any employment agency,

placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, religion, color, national origin, or ancestry.

(b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, because of such individual's race, religion, color, national origin, or ancestry.

(c) It shall be an unlawful employment practice for any employer or labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this Act.

THE NATIONAL COMMISSION AGAINST DISCRIMINATION IN EMPLOYMENT

SEC. 6. (a) There is hereby created a commission to be known as the National Commission Against Discrimination in Employment, which shall be composed of seven

members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years, but their successors shall be appointed for terms of seven years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the cases it has heard; the decisions it has rendered; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further

reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of $10,000 a year.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States. Any such agent designated to conduct a proceeding or a hearing shall be a resident of the Federal judicial circuit, as defined in sections 116 and 308 of the Judicial Code, as amended (U. S. C. Annotated, title 28, secs. 211 and 450), within which the alleged unlawful employment practice occurred.

(g) The Commission shall have power—

(1) to appoint such agents and employees as it deems necessary to assist it in the performance of its functions;

(2) to cooperate with regional, State, local, and other agencies;

(3) to pay to witnesses whose depositions are taken

or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) to furnish to persons subject to this Act such technical assistance as they may request to further their compliance with this Act or any order issued thereunder;

(5) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this Act, to assist in such effectuation by conciliation or other remedial action;

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make the results of such studies available to interested governmental and nongovernmental agencies; and

(7) to create such local, State, or regional advisory and conciliation councils as in its judgment will aid in effectuating the purpose of this Act, and the Commission may empower them to study the problem or specific instances of discrimination in employment because of race, religion, color, national origin, or ancestry and to foster through community effort or otherwise good-will, cooperation, and conciliation among the groups and elements of the population, and make

recommendations to the Commission for the development of policies and procedures in general and in specific instances. Such advisory and conciliation councils shall be composed of representative citizens residents of the area for which they are appointed, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the Commission may make provision for technical and clerical assistance to such councils and for the expenses of such assistance.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 7. (a) Whenever a sworn written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to the Act has engaged in any unlawful employment practice, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during such endeavors may be used as evidence in any subsequent proceeding.

(b) If the Commission fails to effect the elimination of such unlawful employment practice and to obtain volun-

tary compliance with this Act, or in advance thereof if circumstances so warrant, it shall cause a copy of such written charge to be served upon such person who has allegedly committed any unlawful employment practice, hereinafter called the respondent, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such charge.

(c) The member of the Commission who filed a charge shall not participate in a hearing thereon or in a trial thereof.

(d) At the conclusion of a hearing before a member or designated agent of the Commission the entire record thereof shall be transferred to the Commission, which shall designate three of its qualified members to sit as the Commission and to hear on such record the parties at a time and place to be specified upon reasonable notice.

(e) All testimony shall be taken under oath.

(f) The respondent shall have the right to file a verified answer to such written charge and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(g) The Commission or the member or designated agent conducting such hearing shall have the power reason-

ably and fairly to amend any written charge, and the respondent shall have like power to amend its answer.

(h) Any written charge filed pursuant to this section must be filed within one year after the commission of the alleged unlawful employment practice.

(i) If upon the record, including all the testimony taken, the Commission shall find that any person named in the written charge has engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay, as will effectuate the policies of the Act. If upon the record, including all the testimony taken, the Commission shall find that no person named in the written charge has engaged or is engaging in any unlawful employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(j) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(k) The proceedings held pursuant to this section shall

be conducted in conformity with the standards and limitations of sections 5, 6, 7, and 8 of the Administrative Procedure Act, Public Law 404, Seventy-ninth Congress, June 11, 1946.

JUDICIAL REVIEW

SEC. 8. (a) The Commission shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia) or, if the circuit court of appeals to which application might be made is in vacation, any district court of the United States (including the Supreme Court of the District of Columbia) within any circuit wherein the unlawful employment practice in question occurred, or wherein the respondent transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10c and 10e of the Administrative Procedure Act.

(b) Upon such filing, the court shall cause notice thereof to be served upon such respondent and thereupon

shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(c) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent and to be made a part of the transcript.

(e) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings and its recommendations, if any, for the modification or setting aside of its original order.

(f) The jurisdiction of the court shall be exclusive and

its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals, if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

Employee Rights

(g) Any person aggrieved by a final order of the Commission may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person transacts business, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (a), and shall have the same exclusive jurisdiction to grant to the petitioner or the Commission such temporary relief or restraining order as it deems just and proper, and in like

manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(h) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by sections 10a and 10b of the Administrative Procedure Act.

(i) The commencement of proceedings under subsection (a) or (g) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

INVESTIGATORY POWERS

SEC. 9. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this Act, the Commission, or any member thereof, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent conducting such investigation, proceeding, or hearing.

(b) Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths, examine witnesses, and receive evidence.

(c) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(d) In case of contumacy or refusal to obey a subpena issued to any person under this Act, any district court of the United States, or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding; or hearing.

(e) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled,

after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

ENFORCEMENT OF ORDERS DIRECTED TO GOVERNMENT AGENCIES

SEC. 10. The provisions of section 8 shall not apply with respect to an order of the Commission under section 7 directed to any agency or instrumentality of the United States, or of any Territory or possession thereof, or any officer or employee thereof. The Commission may request the President to take such action as he deems appropriate to obtain compliance with such orders. The President shall have power to provide for the establishment of rules and regulations to prevent the committing or continuing of any unlawful employment practice as herein defined by any person who makes a contract with any agency or instrumentality of the United States (excluding any State or political subdivision thereof) or of any Territory or possession of the United States, which contract requires the employment of at least fifty individuals. Such rules and regulations shall be enforced by the Commission according to the procedure hereinbefore provided.

NOTICES TO BE POSTED

SEC. 11. (a) Every employer and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the Commission setting forth excerpts of the Act and such other relevant information which the Commission deems appropriate to effectuate the purposes of the Act.

(b) A willful violation of this section shall be punishable by a fine of not less than $100 or more than $500 for each separate offense.

VETERANS' PREFERENCE

SEC. 12. Nothing contained in this Act shall be construed to repeal or modify any Federal or State law creating special rights or preferences for veterans.

RULES AND REGULATIONS

SEC. 13. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this Act. If at any time after the issuance of any such regulation or any amendment or rescission thereof, there is passed a concurrent resolution of the two Houses of the Congress stating in substance that the Congress disapproves such regulation, amendment, or rescission, such disapproved regulation, amendment, or rescission shall not be effective after the date of the passage of such concurrent resolution nor shall any regulation or

amendment having the same effect as that concerning which the concurrent resolution was passed be issued thereafter by the Commission.

(b) Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 14. Whoever shall forcibly resist, oppose, impede, intimidate or interfere with a member, agent, or employee of the Commission while engaged in the performance of duties under this Act, or because of such performance, shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or by both.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

...CONGRESS
...ST SESSION

S. 984

A BILL

To prohibit discrimination in employment because of race, religion, color, national origin, or ancestry.

By Mr. IVES, Mr. SALTONSTALL, Mr. SMITH, Mr. MORSE, Mr. CHAVEZ, Mr. DOWNEY, Mr. MURRAY, and Mr. MYERS

MARCH 27 (legislative day, MARCH 24), 1947
Read twice and referred to the Committee on Labor and Public Welfare

Lieutenant
Edward Geoughan
Cadet Leroy Johnson
New Orleans —
Liddell, La —
Beaten up by police

H. Boyd Hall
722 Artesian St
Corpus Christi

ASA PHILIP RANDOLPH

SUBJECT FILE

FAIR EMPLOYMENT PRACTICE COMMITTEE

Support

Part 2 of Undated

A.P.R.

REPORT OF RANDLE JOHN, CHAIRMAN OF FAIR EMPLOYMENT PRACTICE COMMITTEE, ON HIS MISSION TO SARATOGA AND THE REPUBLICAN STATE CONVENTION HELD IN THAT CITY ON AUGUST 24th AND 25th. 1942

- - - - - - - - -

I made an appointment with Miss Kennedy, Secretary of State Committee, to speak for five minutes prior to presenting the resolutions to the Resolution Committee. The Committee met on Sunday afternoon at 3 o'clock in the Breakfast Room of the Grand Union Hotel. The Honorable Oswald Hecht, Majority Leader in the Legislature, was the Chairman.

The address follows:

Mr. Chairman and Members of the Resolution Committee:

Mr. Dewey was defeated in 1938 by some 64,000 votes.

If 33,000 persons who voted for Governor Lehman had cast their ballots for Mr. Dewey, he would today have been a candidate for re-election, if he were not elected President in 1940.

Approximately 180,000 Negroes throughout the State voted for Governor Lehman. In Harlem alone, the vote for Lehman was more than 80,000 -- less than 20,000 for Dewey. This is an unhealthy balance. I am convinced Ladies and Gentlemen that only with a strong two party system may we have true democracy. In every State where there is a one party system in that State, Liberty and Freedom is dead. The Negro is denied the right to vote and Jim-Crowism, segregation and indignities are the lot of the Negro.

The greatest potential strength of the Republican Party is among Negroes. The Negro is traditionally Republican. But the Republican Party has been content to rest it's claim for Negro Suffrage upon the historic fact that it promulgated the Emancipation Proclamation. The Republican Party has made the colossal blunder of selecting a few hand-picked Negroes for high office without regard as to whether that Negro is representative of the masses or whether he has the courage or ~~capibility~~ CAPACITY to honestly represent the masses of Negroes in the Party Councils. Therein lies the tragedy of our Party.

The Republican Party undoubtedly can win back many Negro votes and establish a healthy balance in Negro communities by taking a firm stand regarding the place of the Negro in our Democracy. Let us here in this State be the laboratory of our democracy. In this State we have made an excellent start. We have a Governor's Committee on discrimination. It has done an excellent job with the limited funds and power at it's disposal. Your Senator Mahony of Buffalo has put through the Mahony Bill which makes it a misdemeanor to discriminate against anyone in war industries because of race, creed or color. Then you have enacted the Washburn, Bennett and Schwartzwald which implements and supplements the Mahoney Act.

Let us here show the Nation, the World, if you will, that Democracy can work. Let us here pitch our spiritual

standards of Government high, so high that the humblest citizen may take comfort and strength in it's pronouncement and in it's accomplishments.

To that end, Ladies and Gentlemen, I offer the following Resolution and plead with you for it's incorporation in your platform.

> "Our country can never take its rightful place of ~~the~~ spiritual leadership of mankind, unless it manifests to the world that we are a democracy in fact. Existing race prejudice makes our otherwise solemn pronouncements of democratic principles a hollow mockery.
>
> The disabilities suffered by our Negro fellow citizens, who have been in the vanguard of our fights for liberty from Boston Commons to Pearl Harbor, stem principally from the inequalities of economic opportunity and to a lesser degree to a failure to give them representation on policy forming bodies of our State and Nation.
>
> We pledge our party to the abolition of discrimination in the Armed Forces in our State and Nation to the enactment of supporting laws to the Committee on Discrimination and to the appropriation of funds sufficient to acheive this equality of economic opportunity and to appoint qualified Negroes upon all policy forming bodies in this State."

After the address and the reading of the Resolution the Committee thanked Mr. John, The March On Washington Movement and The National Association for the Advancement of Colored People for their helpful suggestion and thereafter went into an Executive Session which adapted almost entirely the Resolutions as presented. That which the Committee adapted follows:

CIVIL RIGHTS

> Equal opportunity for achievement, advancement and service to all our citizens, regardless of race, color, creed, class or national origin, in all phases of American life, is fundamental. Our country can never take its rightful place of spiritual leadership of mankind, unless it manifests to the world that we are a democracy in fact.

> Existing race prejudice, as exemplified by poll taxes, discrimination in war production and the armed forces, makes our otherwise solemn pronouncements of democratic principles a hollow mockery.
>
> We condemn all laws or governmental practices that discriminate, directly or indirectly, against any person, on account of race, color, creed, class or national origin.
>
> The Republican Legislature has enacted in this State strong anti-discrimination laws. We pledge their vigorous enforcement.

I am, therefore, pleased to report that the trip was not in vain. We have secured the adaption of this strong Resolution. It is for us, if Mr. Dewey is elected Governor, to demand that he put this plank of the platform into operation.

Respectfully submitted,

Eardlie John
Chairman of Fair Employment Practice Committee

Statement of James B. Carey
National Secretary-Treasurer
Congress of Industrial Organizations
Before the House Labor Committee,
June 2, 1944
on the establishment of a Permanent FEPC

I appear before this committee to endorse the proposed bills designed to create a permanent commission to prevent unfair employment practices, for the purpose of eliminating discrimination because of race, creed or color.

These bills delcare it to be the policy of the United States that the right to work and seek work should be guaranteed without discrimination because of race, creed, color, national origin or ancestry, and that this principle be embodied in the body of United States statutes, with enforcement machinery to insure that it will become more than a pious platitude.

The Congress of Industrial Organizations met this problem four-square in the early days of our organization. We realize that the strength of America does not rest on its ability to restrict the number of workers in any given occupation - but rather on its ability to extend opportunities to every citizen.

Organized labor has proved that it is the most powerful force in the struggle to preserve the basic rights and privileges which American democracy guarantees. Labor's long and successful struggle to improve the economic standards of millions of wage earners and to secure for them some measure of security and humane consideration is ample evidence of the soundness and practicality of its objectives. That real progress has been achieved, no one will deny. But the ultimate goal has not been reached.

Today America is challenged to demonstrate its capacity and willingness to assume even larger responsibilities. In a world at war, free America must produce the supplies and equipment needed by the United Nations' fighting forces, and the consumer materials necessary for minimum health and comfort.

America is rising to this responsibility. Labor's record of production is phenomenal. The CIO has proved to thousands of new workers that the democratic process at work in the labor movement makes no distinction of race, religion, color or nationality.

The CIO felt when it originally demanded the present Fair Employment Practices Committee, that America could not afford to fail to utilize all the skills and strength of every American workman to shorten a bloody and destruction war.

We contended, and do contend for the postwar period, that if America refuses to rid herself completely of the blind prejudices that deny people who are "different" a fair deal, we undermine the strength of our country and threaten the hard-won gains achieved during the last few years. How America acquits herself under the pressure of postwar tension, may well be the yardstick by which is determined the prosperity and stability of the rest of the world.

The present Fair Employment Practices Committee is a war agency. When the was is over, it will be out of existence. What fairminded person, after an objective examination of the record this agency has compiled, will deny that this agency has been of inestimable value to the war effort? A brief glance at the record will show that the present FEPC has closed more than 2,200 cases during the last year, with 879 - approximately 40% - resulting in satisfactory adjustments eliminating the discriminatory practices involved.

It is also significant that more than 98% of the cases closed were settled by negotiation and mutual cooperation between field examiners and representatives of Unions and Management. Of the nearly 10,000 complaints received by the Committee since its inception in 1941, only 11 public hearings have been held. This points up the highly laudable technique of persuasion rather than methods that smack of force and are irritants.

Because problems of minority workers have been involved in many labor disputes, FEPC examiners have been called upon by management and procurement officials to aid in the settlement of 23 strikes. Nearly all of these cases involved vital war production. Commendations have been received by the Committee from the War Department and the Mexican Government for its work with the Mexican-Americans of the Southwest.

With the coming of peace, and all its attendant problems, America will be very much in need of a permanent Commission, with statutory enforcement powers to aid the transition from a wartime economy to a peacetime economy. Without the proper safeguards, job discrimination will not only continue in the postwar period, but in all probability will be even more serious in its effects than it is today.

There will be tremendous difficulties in the reconversion to peacetime production, in the transfer of workers from one industry to another, from one section of the country to another, in the placement in jobs of ten million returning servicement. We must avoid the confusion and strife that would result from discharging workers in wholesale lots for no better reason than they are black, brown, Catholic or Jewish.

In addition to being a violation of all standards of decency, this would be economically stupid. When we throw millions of minority workers and their families on relief, we have to pay for it in another coin. We pay for it in poor health standards -- remember, slums and rickets are no respector of race. We pay for it in a depressed economy, where the purchasing power of millions is drastically lowered.

A permanent Fair Employment Practices Commission cannot alone stave off a depression. But it can insure in the postwar period of job transfers that minority workers get the same treatment as any other workers; that a man's seniority and ability are the yardstick of whether he holds a job or gets another, and not the fact that his skin is dark, his father came from the old country, or he worships God in a Catholic church or a Jewish synagogue.

No one knows to what extent a democracy can plan its future in advance. But we must at least make the effort. Today the CIO is concerned with plans for the postwar. There is an ever-widening acceptance of the concept that <u>all</u> workers have a common interest in putting a solid economic foundation beneath the feet of all races. We realize that one group of people cannot keep another group of people in a ditch without staying there with them.

Our next step in planning must raise the least favored worker to a position of equality in order to secure the standards of the highest favored worker. The enlightened labor movement considers this a workers' problem, instead of a minority problem. Our thinking and techniques are changing accordingly.

We in the CIO have been forced to meet this problem four-square. President Philip Murray, in his report to the Sixth Constitutional Convention in Philadelphia last November, said: "From the time of the establishment of the first Committee on Fair Employment Practices, the CIO has given strong support to the work of eliminating discrimination. It was instrumental in obtaining the issuance of Executive Order 8802 (which was the first Executive Order on this matter.) It pressed for vigorous and consistent enforcement without fear or favor. It has urged full and prompt investigations and hearings in all situations where discriminatory practices have taken place."

President Murray urged, and the Convention resolved, that the present FEPC should be continued and that there be set up by Congress "a permanent statutory agency empowered to prevent discrimination of the kinds being dealt with by the committee."

SENATE RULES ARE BEING DEFIED!

THE FILIBUSTER IS ON FEPC

AND

CLOTURE IS APPLICABLE

ANALYSIS OF SENATE RULES AND PRECEDENTS

Issued by

The National Council for a Permanent FEPC

930 F Street, N.W., Washington 4, D.C.

February 4, 1946

The present FEPC filibuster is on the "pending measure" or "unfinished business" of the Senate (s.101). The interpretation of the President of the Senate and the Senate Parliamentarian, that the filibuster is on the Journal, is a clear violation of Senate rules. Since 2 o'clock of the afternoon following the day that the motion to take up S. 101 was passed and the debate began, the business before the Senate has been S. 101.[1]

There isn't even any precedent to support the interpretation of Mr. McKellar and Mr. Watkins. The present legislative situation has no precedent in Senate history since the passage of the cloture rule. This is the first time that an attempt has been made to filibuster on the Journal <u>after</u> a motion to consider a bill had been adopted and that bill had become the <u>unfinished business</u> of the Senate.[2]

On Thursday, January 17, 1946, there was no unfinished business before the Senate when it convened at noon. Since the preceding Senate day had ended with an adjournment, the day began with the Morning Hour. As is the usual custom of the Senate, the reading of the Journal (the first item of the Morning Hour of a new legislative day) was dispensed with by unanimous consent. At approximately 12:45, Senator Dennis Chaves (D.,N.M.) made a motion to consider S. 101. During the Morning Hour such a motion is not debatable. The motion was carried by a vote of 49 to 17, and the debate began.[3]

Knowing that under Rule XXII (Precedence of Motions) only motions to adjourn or recess, or to dispose of the pending measure would be in order, proponents of S. 101 made no objection when Senator McKellar, who was presiding, in a surprise move adjourned the Senate by unanimous consent.

This understanding had been confirmed previously by the Senate Parliamentarian. When the possibilities of bringing up S. 101 were being discussed with him, Mr. Watkins stated that if there were any unfinished business before the Senate, even if the motion to take up S. 101 were to carry in the Morning Hour, it would have to go back to the Senate Calendar at 2 P.M. in order to give right-of-way to the unfinished business carried over from the day before. It was on the basis of this advice, that the motion to take up S. 101 was made in the first available Morning Hour when there was no unfinished business before the Senate.

Rule VIII (Order of Business) plainly states that the Morning Hour shall terminate at 2 o'clock. On August 10, 1888, the rule was amended to provide that "the morning hour shall terminate at the expiration of two hours after the meeting of

---

1. Even to hold that the cloture rule can not be applied to a filibuster on the Journal is erroneous, as is shown in the accompanying memorandum, which demonstrates that when the cloture rule was passed it was intended to apply to any filibuster.
2. There was a filibuster on the Journal in 1922 in connection with Anti-Lynch Legislation but the motion to consider the bill had not been passed when the filibuster began on November 28, so that the bill never became the <u>unfinished business</u> of the Senate (Cong. Rec. November 27, 1922 p. 297, ff.)
3. The Senate Legislative Day starts anew following adjournment. The Legislative Day opens with the Morning Hour, during which the Journal is read unless dispensed with (Rule III) and certain types of business, including calling of the calender, are in order. (Rule VII) until 2 o'clock (Rule VIII). If the Senate recesses, the Legislative Day is continued until the next adjournment and there is no Morning Hour.

the Senate." This amendment was passed because the President Pro Temp., Mr. Ingalls of Kansas, had appealed to the Senate "to decide whether when the Senate meets at 11 o'clock, the Morning Hour defined by the rules is to continue until 2, or is to cease at 1."

During the discussion, the fact that the Morning Hour must give way to unfinished business two hours after the Senate convenes was made abundantly clear, as the following resume will illustrate:

The adjournment motion of the preceding legislative day had called for the Senate to convene at 11 A.M., but the usual accompanying provision that the Morning Hour shall end, instead of 2, at 1 o'clock, had not been made. At 1 o'clock, Mr. Ingalls put the question to the Senate. He said:

> "It would relieve the chair greatly if the Senate would decide whether when the Senate meets at 11 o'clock, the Morning Hour defined by the rules is to continue until 2, or is to cease at 1. It is the duty of the chair whenever the Morning Hour ceases to lay before the Senate the unfinished business, or the Senator representing it has the right to call the attention of the Senate to it."

Immediately following this statement, Senator Hoar said:

> "I ask unanimous consent that it be in order that after today the Morning Hour be considered as terminating in two hours from the time of the opening of the session."

The chair ruled that unanimous consent was required to amend the rule. Unanimous consent was given (inlieu of one day's notice), the chair put the motion, and it was carried, after the chair had reiterated:

> "No matter what may be before the Senate at the time when the Morning Hour expires, that is interrupted, and the chair is required by rule to lay before the Senate the unfinished business."

In view of the foregoing, there is no support for the contention that the present filibuster is on the Journal. This contention may be based on the last phrase of Rule III, Section 1: (Commencement of Daily Sessions, Morning Hour)

> "The Presiding Officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, and any mistake made in the entries corrected. The reading of the Journal shall not be suspended unless by unanimous consent: and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of."

Rule VIII (Order of Business), however, as shown above, requires that the Morning Hour be suspended at 2 o'clock for the unfinished business, and Rull XXII (Precedence of Motions) plainly states that the only motions in order when the Senate is on unfinished business are motions to recess or to adjourn, or to dispose of the pending measure:

"When a question is pending, no motion shall be received but —

To adjourn.

To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

To take a recess.

To proceed to the consideration of executive business.

To lay on the table.

To postpone indefinitely.

To postpone to a day certain.

To commit.

To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate....

CIRCUMSTANCES SURROUNDING ADOPTION OF SENATE CLOTURE RULE, AND THE DEBATE ON THE CLOTURE RULE ITSELF, CLEARLY SHOW THAT THE RULE WAS INTENDED TO APPLY TO ANY DELIBERATELY PROLONGED DEBATE.

The cloture rule was adopted because the Senate and the public had become aroused by an extended program of obstructionist tactics on the part of a Senate minority which piled up such a congestion of business that Congress could not complete its work before the automatic adjournment on March 4, 1917. There was no real filibuster on any pending measure. The Armed Ship Bill had been on the floor for only two days (the last two days of the session) and action on several conference reports had cut into those two days.

According to Burdette (p.115), the filibuster actually began on February 28th, when a deliberate campaign to delay all proceedings was begun. There was a great deal of extended oratory. On February 28th, the filibusterers forced thirty-three consecutive roll-call votes. On March 1st they forced a prolonged reading of the Journal. The next day the Armed Ship Bill, the most controversial item on the Calendar, came to the floor, and discussion on it had hardly begun when the Senate was compelled to adjourn sine die on March 4th.

President Wilson convened the new Congress on March 5th, proclaiming "an extraordinary occasion". The first major item facing the new Congress was the cloture rule.

Indignant at the failure of the Senate to act on his legislative program, President Wilson had issued a heated statement:

> "The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and contemptible.
>
> "The remedy? There is but one remedy. The only remedy is that the rules of the Senate shall be so altered that it can act. The country can be relied upon to draw a moral. I believe that the Senate can be relied on to supply the means of action and save the country from disaster."

Burdette says (p.123) "Never had a filibuster so stirred the public mind. The consensus of popular judgment was in agreement with the President: the situation had become unbearable and the Senate should at last be brought to provide the remedy."

On March 8th, the cloture rule was proposed by the Democratic floor leader, Thomas S. Martin of Virginia, considered immediately, and passed by a vote of 76 to 3.

The debate clearly indicated that the cloture rule was intended to apply to any prolonged debate. Extracts follow:

The debate reveals that a similar rule, under the sponsorship of Senator Smith of Georgia, had been reported by unanimous vote of the Senate Rules Committee in May 1916, but had not been taken off the Calendar for fear it, itself, would be filibustered. (pp. 38, 40) Senator Smith endorsed the present one "because it is so much like the former one".

Congressional Record, March 8, 1917:

1. MR. HOLLIS: Mr. President, I believe a majority of the Senators on both sides of the Chamber, realizing the imminence of a vital national emergency, are sincerely desirous of reaching a solution of the cloture question which will give fair opportunity for debate and at the same time insure reasonable promptness of action.* (p. 26)

2. MR. NORRIS: ...it has always seemed to me, Mr. President, that there ought to come a time in every debate on every question when, under the rules of the body, the majority could have its way. Under the rules as they now are we seldom reach a vote on a hotly-contested proposition until after a contest of physical endurance. This is not a fair or wise method of reaching a conclusion on any subject. (p. 27)

3. MR. CUMMINS: I am for it because I believe the Senate—and I was about to say, a majority of the Senate—should be permitted to do business. (p. 34)

4. MR. HARDWICK: ...when two-thirds of the Senators, or a greater number even than two-thirds, stand together we will be able within a reasonable time to force a vote on any question in which the honor or safety of the country is involved. For that reason, and for that reason alone, I am supporting this resolution. (p. 36)

5. MR. VARDAMAN: I am for it because I am of the opinion that there should be a rule limiting debate—a rule by which questions can be brought before the Senate for final determination whether it meets the approbation of all the Senators or not. (p. 39)

---

*The cloture rule, which follows, was adopted without amendment, although several Senators indicated they would have preferred a majority vote to invoke cloture rather than two-thirds, and it was quite evident a compromise had been reached on that issue beforehand. (The cloture vote does not <u>shut off</u> debate; it <u>limits</u> it.)

If at any time a motion, signed by sixteen Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by an aye-and-nay vote the question: "Is it the sense of the Senate that the debate shall be brought to a close?" And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the unfinished business to the exclusion of all other business until disposed of. Thereafter no Senator shall be entitled to speak in all more than one hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

NY Council FEPC

ADDRESS OF MILTON P. WEBSTER BEFORE THE MADISON SQUARE GARDEN MEETING, under auspices of COUNCIL FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION, February 28, 1946.

The present agency that was appointed pursuant to Executive Orders #8802 and #9346, the President's Committee on Fair Employment Practice, will soon automatically pass out of existence from natural causes. It was only intended to be a war agency and, therefore, it could not be expected that it would function when the war which, for all intents and purposes, has ended. Its activities since V-J Day have been confined to government and government agencies. At the end of the fiscal year, it will peaceably pass out of existence.

However, as a member of the Committee since its inception, I submit that several very important lessons have been learned as a result of the Committee's activities and its functions have had a wholesome effect upon the whole question of discrimination against minority groups. The activities of the Committee early demonstrated that discrimination against minority groups was far more deep-seated in every phase of American life than even the most pessimistic of us anticipated. While there was evidence of discrimination against all minority groups, including Mexicans, Jews, Catholics and such religious groups as Jehovah's Witnesses and Seventh Day Adventists, yet the brunt of racial discrimination in America is perpetrated against the Negro group which is the largest minority. And by far, the largest number of cases handled by the Committee involved discrimination against Negroes. It was found that these drastic discriminatory practices permeated every phase of American life, including government, industry and the labor unions. Government officials, coming before the Committee, admitted definite discriminatory patterns existed in some departments solely on account of the fact the people discriminated against were Negroes.

In the early stages of the activities of the Committee, it was found first that there was a common pattern which discouraged the hiring of Chinese, Japanese, Filipinos, Negroes and dark-skinned Mexicans and that discriminatory practices existed in many of the labor unions in both groups and thus we found such outstanding evidence of racial discrimination as was brought out in the AFL Boilermakers situation on the West Coast with its auxiliary union setup and of the most unusual discriminatory practices in the Mine, Mill and Smelting workers, CIO, where a number of Negroes were discharged from the army because of their peculiar skill as metal miners to work in the mines adjacent to Butte, Montana, but were prevented from going beneath the ground because of this organization.

Second, it was found that as a result of the activities of the Committee

under the various executive orders, despite the fact that there was much criticism because of the lack of power to enforce its orders, that discriminatory practices can be removed by a government agency without creating riots or other disturbances. In the Fall of 1941, when the Committee journeyed to the West Coast to investigate the Aircraft industries at a time when its funds were quite inadequate and its staff was practically nil. A parade of the representatives of the largest aircraft manufacturing companies of the nation got on the stand and publicly announced that they hired no Negroes. For instance, the question was asked of a representative of one of the companies, "How many people do you employ?" He answered, "Thirty-three thousand." When asked how many Negroes were employed, the answer would be "None." Another example of the condition is illustrated in the following question and answer: "How many people do you hire?" A. "Twenty-five thousand." Q. "How many Negroes?" A. "Six." Q. "What do they do?" A. "Mostly porter work." It was revealed from this investigation that they adhered strictly to the pattern of discrimination against Negroes. As a result of this expose, the situation was almost reversed and in a twelve month period, there were literally thousands of Negroes employed in the aircraft industry, not only on the West Coast but throughout the nation. The employment was not 100% perfect but far better than had ever existed before.

North American, one of the largest aircraft manufacturing corporations made a public announcement in the Kansas City papers while the plant was being built that it did not intend to hire Negroes but after the West Coast hearings, it made a right-about face and integrated many Negroes into its plant adjacent to Kansas City. As a result of the success of the Committee activities in the aircraft industry, the hearing techniques was adopted. Hearings were held in Chicago, New York, St. Lous, Philadelphia, Detroit on several other occasions on the West Coast and other large cities of the nation, including the deep South where a hearing was held in Birmingham, Alabama, against the protests of the "Poll Taxers" and other shortsighted people in Government. The opposition even went so far as to intimate that personal injury would befall the members of the Committee if they insisted upon coming into the South with its activities, but since the South was a part of the United States, the Committee went on to Birmingham and held the same character of hearing it held in other parts of the country and people who took part in the hearing reacted the same as other people had done, attempting, of course, to get out from under the pressure of the

Committee's actions. Many results were obtained such as several hundred Negro women being hired in a plant which prior to the Committee coming South, had publicly stated they would never hire Negro women. Taking into consideration the fact that the Committee had to continually overcome opposition from even some of those who were in the Government who were not altogether in sympathy with its activities, a remarkable job has been done in the interest of changing the pattern and of educating industry as a whole that Negro people were American citizens and entitled to enjoy American privileges along with other classes of citizens.

Outstanding evidence of the changed pattern in this respect was illustrated by the recent integration of Negroes into the local transportation systems and prior to the existence of the Committee, there were very few Negroes used to operate the public transportation facilities and they were confined only to a few cities. Now, you have Negores operating public transportation facilities in substantial numbers in many of the larger cities of the nation and some of the smaller ones, most outstanding of which are Chicago, Philadelphia, and Los Angeles. While the United States Army had to be brought to bear in the interest of the Committee's directives in Philadelphia, in Los Angeles, when both union and management were faced with the situation, they readily cooperated and Negroes were integrated without any friction whatsoever. In fact, there were hundreds of thousands of Negroes whowere integrated into war industries which, I submit, would never have happened had it not been for the Committee. While there was some friction, yet, in many instances, the Committee was successful in getting its directives carried out without any outward demonstration.

There are, however, a number of outstanding instances where it developed that some pressure (which up to the present time we haven't been able to uncover) was brought to bear to prevent the Committee's directives from being carried out. The most outstanding of these was the case of the Southeastern Carriers and the Brotherhood of Locomotive Enginemen and Firemen. An exhaustive investigation was made by the Committee of the discriminatory practices on the Southeastern railroads against Negroes employed as Locomotive Firemen. It developed that an agreement had been entered into between the Southeastern Carriers Association and the Brotherhood of Locomotive Firemen and Enginemen, the negotiations of which were participated in by the National Mediation Board and this agreement was designed for one purpose and that was to systematically drive Negroes out of the engine cabs of the southern railroads, particularly the deisel engine. The Committee,

after a four-day hearing in Washington, D.C., found both the carriers and the unions guilty and issued directives for the Southeastern Railway Carriers' Agreement to be scrapped. Directives not being carried out by either of the parties, the matter was referred to the President. But something happened which has never been explained to thepresent day - a so-called Stacey Committee was appointed to take over this matter of the Railroad situation as it affected the Southeastern groups and, so far as any member of the Committee knows, nothing has been done by the Stacey Committee that anybody knows about.

It is at least the opinion of this member of the Committee that the activities of the Stacey Committee serves only one purpose and that was to keep this matter from coming to an issue until the war was over and that very thing has happened, and Negro Firemen are still being pushed off jobs. Now the present Committee is going out of existence; the war is over. Employers are slowly but surely going back to their previous practices. Certain offices of the United States Employment Service have received discriminatory orders for workers. Unless there is some effort put forth to carry over into the reconversion period the principles of fair employment practices, as they have been established by the President's Committee, many of the sacrifices that have been made for this institution we call a democracy will have been made in vain.

In a hearing in Cincinnati, a white woman testified against the employment of Negro women in a plant, stating among other things that she had a son in France at that time (during the heat of the German campaign) and that she felt that he would sustain her from the battlefield in her stand against the employment of Negro women to assist in making implements of war which were so necessary at that time.

In a public hearing held in East Alton, Illinois (a town where they don't allow a Negro to live), involving the Western Cartridge Company manufacturing small arms, a shift of the workers of this plant, instead of going to work, congregated in the small hall and around the outside of the building in an effort to create the mob spirit and intimidate the Committee, a panel of which was sitting in this hearing. There was much grumbling and muttering among those who filled up the hall and stood around the outside; some five hundred or more. It had previously been testified to that the feeling of the workers in this plant had been so high they had even talked about escorting the Committee out of town. The Company, of course, disclaimed

5- ADDRESS BY MILTON P. WEBSTER

all responsibility for this spontaneous demonstration, but an analysis of the average intelligence of the people who congregated there indicated that some influence had to be brought to bear on them to get such a spontaneous action.

These things which have been recounted describe the objectives, successes and handicaps that have been encountered in the work of this Committee and are the best proof of the need of permanent legislation in which will be embodied the principles of fair employment practices along with full employment and other reconversion programs.

FEPC

STATEMENT OF SENATOR TAFT IN CONNECTION WITH THE INTRODUCTION OF A BILL TO ESTABLISH A FAIR EMPLOYMENT PRACTICE COMMISSION.

I am today introducing a bill to establish a Fair Employment Practice Commission and to aid in eliminating discrimination in employment because of race, creed, or color.

Last year the Republican Convention endorsed the establishment by Federal legislation of a permanent Fair Employment Practice Commission, but I do not wish to have this bill regarded as in any way an official Republican bill. It is entirely my own personal suggestion as to the proper method in which that pledge should be carried out.

The bill establishes a Federal Commission of five with power to set up local commissions in all regions throughout the United States. The commission is authorized to make comprehensive studies in each district to determine how discrimination in that district on grounds of race, creed, and color can best be eliminated, and full employment provided for negroes and all other minority groups. It is given full power to call witnesses and inquire into specific cases of discrimination, make recommendations and take every step to secure community interest and cooperation and voluntary compliance by employers and labor unions.

In my opinion the establishment of this commission is justified by the fact that negroes do not have the opportunities for employment enjoyed by white men. In many places they are the last to be employed and the first to be laid off. Custom and prejudice interfere with improvement in their position. Substantial progress has been made during the war and the temporary Fair Employment Practices Commission, though without legal authority, has contributed materially to that progress.

I feel that the compulsory provisions of the bill heretofore introduced in the Senate will hinder progress towards solving the problem rather than achieve it. Few realize how extensive these compulsory provisions are. They are modeled on the "unfair labor practice" provisions of the National Labor Relations Act, and give to anyone who is refused employment or dismissed from a job the right to bring an action against the employer, alleging some motive of discrimination because the applicant or employee is white, black, Protestant, Catholic, Jewish, Czech, Pole, or German. Such motives are always possible to allege, and the question is left for decision to a board which is bound by no rules of evidence, and practically not subject to court review. Since actions can be started by millions of individuals rather than by labor unions, the act goes much further than the National Labor Relations Act in providing an almost complete regimentation of employers.

Abuses which come about under similar provisions of the National Labor Relations Act have led to demands for its amendment by labor organizations themselves. As I see it, the compulsory act, if duplicated in every state as its proponents plan, will finally force every employer to choose his employees approximately in proportion to the division of races and religions in his district, because that will be his best defense to harassing suits. Race and religion will enter into every decision. Catholic institutions, for instance, will have to employ Protestants. The Methodist Book Concern will have to employ Catholics. White waiters and porters could insist upon most of the work in the Pullman sleepers and dining cars. In the long run this board would tell every employer how he must make up his labor force. The bill even includes national origin and ancestry, so that in a city like Cleveland, Ohio, employers could be sued by representatives of every nationality group particularly if they do not have members of that nationality employed in the particular office or plant.

In my opinion any such compulsory measure will create more bad racial and religious feeling than any other method which can be pursued. I think it will do the colored race much more harm than good. Progress against discrimination must be made gradually and must be made by voluntary co-operation and education with encouragement from a Federal Board, like that I propose, and state governments and boards, and not by inviting thousands of law suits which will get beyond the control even of the Fair Employment Practices Commission itself. A voluntary commission can develop different kinds of plans to increase good colored employment in different cities after studying the local conditions and the character of local industries. The method of solving the problem of negro full employment in Cleveland may be entirely different from that which should be pursued in New York City or in Atlanta, Georgia. No scientific study of the problem has yet been made, and that should be the first task of the boards I propose.

It is true that there may be a few recalcitrant employers, but if local committees are set up and sound plans developed I believe they will be a few indeed. If there are a few, perhaps they can be by-passed and employment provided by other means. If the voluntary method fails to continue progress, the commission is given power to recommend compulsory legislation. I should not oppose it as a last resort. Even then, I doubt if the "unfair labor practice" approach is the proper method of dealing with the situation. For instance, when a comprehensive plan of employment has been made, and efforts at voluntary compliance have failed, the board might be given the right to apply to a court for general approval of the plan, and a court order against an employer whose course of conduct interferes substantially with the success of the plan.

The bill which I am introducing proposes a constructive approach to one of the most difficult problems we face. It is so fair that I believe the opponents should be willing to withdraw their opposition.

1C-FEPC

PRESENT STATUS OF FEDERAL LEGISLATION FOR A PERMANENT FEPC

Anna Arnold Hedgeman
Executive Secretary
National Council for a Permanent FEPC

I have been asked to talk to you today about the present status of Federal legislation for a Permanent FEPC.

It is not news to any of you assembled here that we have had extended hearings on the legislation in Washington, at which outstanding interracial, inter-faith, civic, and business interests stated emphatically the importance of a federal statute which would make it clear that discrimination in employment because of race, creed, color, or national origin is out-lawed by the Federal Government.

It is also an old story to you that in the House the Bill has fought its way through the Rules Committee. The story of the failure of the Rules Committee to permit the Bill to come to the floor is also a part of the history with which you are fully acquainted. Because Southerners on that committee, aided by the obvious connivance of Northern Republicans and Democrats, delayed action until all six Southerners could be present, the Bill was denied a rule by a tie vote--6 to 6.

This maneuver highlighted for the country the way in which a small minority of men can prevent the House of Representatives of the United States from having the opportunity to vote on significant legislation.

When it became clear that we could not get a rule, Mrs. Mary T. Norton, Chairman of the House Labor Committee, placed a petition on the Speaker's Desk in the Well of the House--a petition which requires 218 signatures in order that the Bill may come to the floor. That petition now has approximately 150 of the required 218 signatures.

An occasional armchair strategist has expressed criticism of the fact that we spent any time on the Rules Committee whatsoever. We want you to know that our Strategy Committee, composed of the Washington Legislative Representatives of many national organizations interested in this Bill, believed with us that it was impera-

ant to use the regularly constituted legislative channels in order that the issue be made crystal clear.

One of the serious questions facing America today is whether or not the voters of this country are going to permit a small committee to defeat the right of a Congressman to vote on legislation which has been properly prepared and referred through standing committees of the Congress.

We believe that the nation is now fully aware of the fact that the Rules Committee failed to do its job. Congressman Sabath inserted remarks in the Congressional Record from which I quote at this time, reminding you that Congressman Sabath is Chairman of the Rules Committee: "The Committee on Rules was not created for the purpose of delaying or depriving the Members of the House of the right to vote upon important legislation, but it was created for the purpose of properly expediting proposed legislation under the rules and to give the membership of the House a proper opportunity to vote on a proposal. Unfortunately, in the instant case this right and privilege has been denied to the Members of the House. This, I do fervently regret..."

Other armchair strategists have suggested that we missed the boat by not using Calendar Wednesday last Spring instead of following the Rules Committee and petition course. The fact is that we explored the possible use of Calendar Wednesday and were advised by Congressmen genuinely interested in enactment of the Bill that the method would not only involve more time than the petition method, but might well lay our congressional supporters open to the charge that they were obstructing the war effort.

Calendar Wednesday, which is a theoretical Wednesday in each week when legislative committees may bring to the floor any bills they may have ready, has been consistently dispensed with during the war. In all of the 78th Congress, it was used only once, and in this Congress only once--and on non-controversial legislation. To have brought FEPC to the floor on a Calendar Wednesday would have meant

an extended campaign of objection to the desire of the leadership to dispense with Calendar Wednesday. They would have had to do this every Wednesday for week, and possibly months, until the Labor Committee--Number 24 on an arbitrary list, could be reached. Meanwhile, Southerners controlling other committees having precedence over the Labor Committee would undoubtedly have bogged down each Calendar Wednesday with a welter of meaningless bills as a delaying tactic.

We are still not overlooking the Calendar Wednesday possibility, but as of today the consensus of the thinking people who know is that the petition method is the best.

The petition needs about 70 signatures. Lists of Representatives who have not signed the Discharge Petition are available at our office. This list has been compiled on the basis of a voluntary poll of the members of Congress conducted by the National Council for a Permanent FEPC.

In the Senate the Bill is now on the calendar. Our task there is to secure commitments for cloture. For important reasons of strategy we cannot disclose to you at this time the exact number of commitments we have. In the recent appropriation fight we were able to secure enough commitments for cloture to seriously frighten our Southern opposition.

It is important to point out in this connection that the U.S. Senate is the only parliamentary body in the world where unlimited debate is permitted. It is equally important for you to remember that cloture can be achieved in the Senate, because of abuse of the filibuster, the Senate in 1917 adopted cloture as a device for limiting debate. It requires two-thirds of the Senate present and voting. After cloture is adopted, each Senator is entitled to one hour's debate. Four times since 1917 the Senate has voted cloture. In 1919 it was voted on the Versailles Treaty, in 1926 on the World Court Protocol, and in 1927 on the Pepper-McFadden Banking Bill and the Prohibition Reorganization Bill.

Although I have been asked only to report on the exact status of the legislation, I am hoping that you mean for me to talk also about some of the things which

you can do to help secure enactment of the Bill.

It is trite to say that the fate of the Bill is in the hands of the people. Actually, that is where it is at the moment, for the concentrated activity of the people of the United States is needed to secure early enactment of this Bill.

Specifically, the Southern Conference for Human Welfare has been able to help us in generating considerable interest in the Deep South. A number of Southern States sent interracial delegations to our strategy conference last week. During one of the congressional battles last spring, the Atlanta branch of the Southern Conference, in cooperation with the Local Council for a Permanent FEPC there, sent a petition out of Georgia to every Congressman and Senator, urging support for FEPC.

This means that there is a new spirit moving in the South which the Southern Conference is helping to develop. That educational task must continue. Southern people, working interracially, must be helped to recognize that it is important to have their Congressmen know of the changing South. Some of you will say that Southerners cannot change a vote in the Congress. We remind you that tomorrow is coming. Even Congressmen from the Deep South are aware of this fact, and the more tangible evidence of it they can see on their desks, the better for all of us.

Aside from the importance of reaching the Southern Congressmen, it is important also that white and Negro people of the South re-discover each other in new relationships and know that there is hope for fundamental change.

It will interest you to know that the South--recognizing its inability to do an immediate vote-getting political job, has accepted responsibility for fund-raising which augurs well for all organizations which have a vital program.

The Southern Conference for Human Welfare has an important role in the great Northern States of this country as well as in the South. They must help let the Northern politicians know that no longer can either the Democratic or Republican Party afford to concede to the prejudices of Southern Congressmen as they work on

Permanent FEPC. He needs to hear from you who compose this kind of group. Your chapters in other States can be equally effective.

I repeat. This fight for federal legislation for a Permanent FEPC rests now in the hands of the people of the United States. 187 delegates representing Local Councils for a Permanent FEPC from Seattle to Miami, from Dallas to Buffalo, gathered in Washington last week to plan strategy. All of them reported tremendous interest in their communities. 42 State groups requested the findings of the Conference. 30 national organizations had representatives there. Literally, millions of people were represented.

It takes time, however, for the information to reach the grass roots. We are asking you at this time to use every resource at your disposal through this Southern Conference for Human Welfare, and every group with which you are affiliated. People must speak to their Congressmen and speak the realistic language which they understand. Seventy-odd signatures can be obtained and cloture can be achieved. But it is going to take a tremendous groundswell of public opinion to do it. We sound on groups like the Southern Conference for Human Welfare to help.

Send for Report

Kilgore Subcommittee

Report on Nazi Industrialists

Advertising and Chemicals

Mutual Interests

The American public

appears caught in an

ideal dilemma

Roosevelt Bureaucracy has

and the Democratic Party is

the grip of fear — Fears Lewis

Party conference

FEPC

BISHOP HAAS CALLS FOR ACTION TOWARD INTERRACIAL JUSTICE
Considers FEPC Most Urgent

DETROIT -- "As a matter of practical strategy, we should concentrate our available resources on getting decent, Christian, brother-to-brother relationships between Negroes and whites established in industry, and that we will thereby hasten progress in getting like standards established in social and political life," said the Most Reverend Francis J. Haas of Grand Rapids, Michigan, in a plea for FEPC before the Catholic Interracial Council of Detroit, on September 8.

After discussing the doctrine of "What is the Catholic position regarding Negroes?", Bishop Haas dwelt on "What does that position require Catholics to do?"

"A saying of St. Peter Claver," continued Bishop Haas, "who worked among the Negroes in Cartagena, Columbia, up to the time of his death in 1654, might well be the rallying cry for action. When he was criticized for bringing medicine, bread, brandy, lemons, and tobacco to the Negroes in the slave sheds at the port, he would reply: 'We must speak to them with our hands, before we try to speak to them with our lips.'

"The same crisis that Peter Claver had to face, with over 10,000 living slaves landed at Cartagena each year, is before us, but only under a different form. He met it, with God's grace, with incredible success, by action. Action, organized and individual, is what is asked of us, in the church, in industry, and in government.

"In the church, there is need of many more conferences such as you are holding today, and such as have been held in two instances since last November by the Social Action Department of the National Catholic Welfare Conference.

"But besides organized action, there is urgent need of individual action by Catholics," continued the Bishop. Among several instances, he cited, "Early in July, a Catholic man and his wife told me that they had recently been asked to sign a petition in their neighborhood, binding home owners not to sell their homes to Negroes. This couple refused to sign. Actually, they were the only home owners in the block that refused to do so. As a result, they and their children were subjected to every kind of cheap sarcasm and abuse by their neighbors. But they stood firm. They acted as they did, because they were Catholics, declining to do what they were asked to do because, as they said, it was wrong. Here again was personal action, and if you will, heroic action.

"Let me take another field in which individual action under the spur of conscience is definitely called for--the field of industry. In this connection, may I digress a moment to express a personal opinion, for whatever it may be worth. I am convinced that, as a matter of practical strategy, we should concentrate our available resources on getting decent, Christian, brother-to-brother relationships between Negroes and whites established in industry, and that we will thereby hasten progress in getting like standards established in social and political life. Mainly for this reason, but also for considerations of time, I shall not undertake to discuss the steps to be taken to break down the vicious discrimination now practiced outside of industry--for example, through the Poll Tax, Restrictive Covenants, and segregation in hotels and trains and the rest--but shall limit myself entirely to what should be done to assure equal employment opportunity as between Negroes and whites.

"Industry, as everyone knows, is carried on by two parties, management and workers. And management, contrary to popular notions, is not something abstract or

(continued on other side)

ethereal. Pardon me for saying such an obvious thing, but management is men, men with flesh and blood, men with family ties, and men with the same capacity for noble conduct and for pettiness as workers. Moreover, as men, employers are accountable in conscience for the policies in their establishments, and their responsibility increases or decreases, depending on whether they are big employers and are on big boards of directors, or are small employers and on small ones.

"During the late war, some influential employers, whatever their motive, took their obligations to Negro workers seriously, and enforced a policy of non-discriminatory employment throughout their plants, both in hiring and upgrading. I regret to say that of the cases that came to my notice, not more than two important Catholic employers took that stand. Here, indeed, is place for individual action directed by individual conscience.

"But what of the workers? What of the white man on the assembly line who will not work with Negroes? What of the white girl in a telephone exchange who will not sit alongside Negro girls, however refined or well trained they may be?

"There is no blinking the fact that this un-Christian attitude is even more prevalent in industry among employees than it is among employers. In my observation, many employers would relax their opposition to hiring and upgrading Negroes if they could feel sure that their employees would not bitterly resist the innovation. I have observed the same attitude on the part of some top union officials, who, I am sure, would gladly abandon all union restrictions against Negroes, if the rank and file membership of the union would not violently protest such action.

"Explain this deplorable attitude among white workers as you will, and make full allowance for their fear that Negroes would "come in" to take their jobs, and even at lower rates. In my judgment, the major explanation is a narrow, selfish and un-Christian prejudice on the part of all too many white men and women who work.

"What should be done? I can suggest only one thing. It is to examine and extend the successful experiments that were carried on in defense plants during the war, in which whites and Negroes worked side by side, with a maximum of harmony, even to their own surprise. These experiments prove that the idea is not academic but, when sincerely tried, works. On the part of management, it will call for foremen training and foremen schools, the careful selection of Negroes for the departments to which they are sent to work with whites, and equally careful selection of superintendents who will have charge of these departments. On the part of workers, it will call for conviction within the white employee's soul that his Negro brother is, in Christ, his brother, and that he owes him in charity and justice no less than he owes his white fellow-employees.

"Behold a form of Christian charity and justice too long neglected! Behold the "forgotten" virtue in shop and office! Is it too much out of line to suggest that Catholic wage and salaried employees take the initiative and form an organization of workers who will pledge themselves to the practice of racial charity and justice, and who will be ready to stand up and be counted to make it a reality?

"Moreover, in my opinion, individual Catholics and non-Catholics should call on the Federal and State governments to enact FEPC legislation without further delay. Really, we should be ashamed of the little that an FEPC law would require. All that it would do is to prevent an employer from denying a man an opportunity to earn his livelihood or to improve himself, because of the fact that this man's skin is black or because he belongs to a so-called minority group. Both Christian ethics and common decency require government to put an end to such injustice and inhumanity.

(continued on next page)

"The states of New York, Massachusetts, and New Jersey, have already responded to the enlightened demands of the people of these commonwealths, and have enacted FEPC laws, barring discrimination in employment because of race, creed, or national origin. We here in Michigan with our Negro population of some 208,000 have urgent need of such legislation. And I am happy to say that on March 15, 1945, the Michigan Catholic Welfare Committee, speaking for the Catholic Bishops of Michigan, presented to the Labor Committee of the Michigan Legislature, holding hearings on an FEPC Bill, a strong and unqualified endorsement of the measure before it. The Michigan State FEPC bill did not become law at the last legislature, but its enactment into law cannot long be delayed.

But even more than FEPC laws in separate states are necessary. There is need and crying need of a Federal FEPC, with full power of enforcement in the Federal Courts. A vast area of injustice, long waiting for redress, cannot be reached by state action alone, for the reason that state courts have no jurisdiction, except perhaps concurrently with the Federal Government, over industries engaged in interstate commerce. But apart from any nice legalism, a nation-wide evil exists which can be remedied only by nation-wide action.

Say, if you will, that law cannot reform morals. This objection is valid in part, but I insist that in the case of a Federal FEPC, it is valid only in part, if it is valid at all. The objection neglects the important lesson of history that when a high principle of justice and humanity is embodied into law, even over the opposition of a few, that principle takes on the majesty of government, and the law itself becomes a mighty force for education and moral betterment. That result, I am convinced, would follow from the enactment of a Federal FEPC."

Statement by R. C. Enos

I am an experienced employer of labor. My position is President of the Standard Steel Spring Company. We operate three plants in Pennsylvania, two in Coraopolis in Allegheny County and one in New Castle in Lawrence County. At the present we are manufacturing armor plate in two plants and producing bombs and truck springs in the New Castle plant. Close to two thousand workers are employed in these plants.

I appear in support of House Bill 554, introduced by Homer C. Brown, which would create a special Commission to handle Fair Employment Practices. My reasons for urging the passage of House Bill 554 are that it is a crucial measure.

I am a Republican. I firmly believe that every person is entitled to the opportunity to work where he is best fitted, if employment possibilities are available, without discrimination as a result of his creed, color, or race. These beliefs are shared by the great majority of the American people. In its 1944 platform the Republican Party declared:

> "We unreservedly condemn the injection into American life of appeals to racial or religious prejudice... We pledge the establishment by Federal legislation of a permanent Fair Employment Practice Commission."

What Governor Thomas E. Dewey of New York would have done in carrying out this important section of his presidential platform had he been elected to the Presidency, I believe, is demonstrated by his leadership in this matter in his own state. Governor Dewey a few weeks ago signed a Fair Employment Practices bill in New York. This bill, except for a few features, is substantially the same as House Bill 554 which this Committee is considering today. Governor Dewey's bill, which is now law, is meritorious. It was carefully prepared after an extensive study of the problem by a specially created commission of more

than a score of qualified and experienced people. I have read it and am impressed with the care with which it is drawn. The New York law has only one major provision with which I would take exception on practical grounds, and that is the provision placing responsibility of proof of violation upon the employer. But I find that your House Bill 354 wisely does not contain this provision, and it rightly places this responsibility upon a party who may be aggrieved.

In the plants of our company, which are engaged in vital war work, we have for many years employed workers without discrimination. White and colored workers, for example, work together in our plants. Our experience has demonstrated the practicality of non-discriminatory employment practices. I, therefore, can see no valid reason why any employer should oppose State legislation to abolish discriminatory employment practices, provided that legislation is properly prepared.

In Pennsylvania we are fortunate in having available to us the benefit of Governor Dewey's great work. This is embodied in House Bill 354 which you are now considering, and deserves the support of all members of the State legislative bodies irrespective of political affiliations. The example of Governor Dewey in New York should be followed in Pennsylvania.

The cost of such legislation as New York has passed, and we are now considering in Pennsylvania, is secondary. This question of fair employment practices is a basic social and economic problem. It might be likened to the great democratic causes for which we are waging this war; in fact, freedom from racial persecution and economic discrimination is one of the main purposes for which we are fighting the war. No one has begrudged the expenditure of necessary funds to win the war. By the same token no one should question the expenditure of a few hundred thousand dollars in Pennsylvania for a Fair Employment Practices Commission.

Education is both a matter of choice and compulsion. Some people voluntarily enforce fair employment practices in their plants, others may be lax. We would never subscribe to the thought that public schools attendance should NOT be compulsory. If only those children who wanted to, went to school, our streets would be filled with uneducated ruffians. For some, education is like medicine. It has to be administered. So, too, in the field of fair employment practices; it has to be administered.

House Bill 354, after all, is basically an educational measure. It provides for a full time group of experienced people to hold hearings upon complaints not only to correct the individual cases, but to educate people at large on the problems involved in providing equal employment opportunities for all Americans. The Bill has some compulsory features, which are directed equally at employers and labor unions. These are as necessary for the proposed Commission to do a good job, as are the compulsory features of our public educational system. Any bill that only provided educational features, without administrative enforcement machinery, would be as ineffective as a public school law based on voluntary class attendance.

I, therefore, respectfully urge your Honorable Committee to unanimously report House Bill 354 for passage into law.

STATEMENT OF MR. CLAUDE A. BENJAMIN, CHAIRMAN, COORDINATING COMMITTEE OF JEWISH ORGANIZATIONS DEALING WITH EMPLOYMENT DISCRIMINATION IN WAR INDUSTRIES.

BEFORE THE COMMITTEE ON LABOR, HOUSE OF REPRESENTATIVES.

AT THE HEARINGS OF H.R. 3986, H.R. 4004, and H.R. 4005, BILLS TO PROHIBIT DISCRIMINATION BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, OR ANCESTRY.

I should like, first, to express my appreciation for the privilege of offering this statement on behalf of the Dawson-Scanlon-La Follette bills to establish a permanent Fair Employment Practice Commission. I am here as a representative of the Coordinating Committee of Jewish Organizations dealing with Employment Discrimination in War Industries. As indicated by its name, the Coordinating Committee is an organization of organizations. Affiliated with us are such well known national Jewish agencies as the American Jewish Committee, the American Jewish Congress, the Anti-Defamation League, the Jewish Labor Committee, the Jewish War Veterans, the Jewish Welfare Board, the National Council of Jewish Women, the National Refugee Service, and the Synagogue Council of America. Our total constituency numbers seventy-one organizations in forty-six communities from every section of the country. The Coordinating Committee came into being three years ago because of the concern of all of these agencies with the very problem we are discussing here today - the problem of discrimination in employment.

Although the degree and manifestations of discrimination varied from one community to another, the problem was essentially the same. Help wanted advertisements in newspapers and trade publications openly specified that certain jobs were restricted against Jews. Employment agencies, public and private alike, testified that the placement of Jewish applicants was rendered extremely difficult, and in some cases impossible, because of the high proportion of restrictive job orders. Many of these agencies refused even to register Jewish applicants. Many more accepted their registrations, only to place them immediately in the inactive file. Employment application forms almost invariably inquired into the applicant's religion, descent or lineage, and not infrequently similar questions were asked about the applicant's parents. These were but some of the more overt methods by which the barriers of prejudice were invoked to deny equality of opportunity. For every such instance, however, there were many many more in which discrimination was more subtly but no less definitely practiced. If I have referred exclusively to discrimination against Jews it is only because I have dealt most closely with that aspect of the problem. Similar or identical experiences, however, were shared by millions of other Americans whose skin color, mode of worship, or national origin were sufficient to disqualify them from the opportunity of securing employment in accordance with their ability.

Discrimination unfortunately is not an Axis monopoly. Every day in the face of the most critical manpower shortage, in the face of a war for freedom, countless Americans, solely because of their race, color, creed, or national origin, are still being denied the opportunity of contributing their full skill toward producing the tools of victory. Nevertheless, we cannot fail to recognize the substantial

gains that have been made - gains that have given the lie to the stereotyped generalizations about racial characteristics, gains that have amply demonstrated that in the workshops as well as on the battle field a man's worth cannot be measured by his pigmentation, accent, or form of divine worship.

Much of the credit for these gains rests with the present Fair Employment Practice Committee. Despite the attacks to which it has been subjected since its inception, despite the niggardliness of its budget and the insufficiency of its staff, despite the complete lack of enforcement powers, the Fair Employment Practice Committee has confounded its critics and proved that, given the opportunity, Jew and Gentile, black, brown, white and yellow can and will work together harmoniously and efficiently. We cannot, we must not permit this tested and proved instrument of democracy to become a war casualty.

Today as we look forward hopefully to a complete and speedy military victory, our minds are focussed on the twin objectives of a lasting peace and a useful job for all who wish to work. These twin objectives are but opposite sides of the same coin - for peace depends on democracy; and democracy, like peace, is indivisible. We pride ourselves on having learned the lessons of the past decade and proclaim that isolationism is out-moded - dead; that this is One World; that we must concern ourselves with the problems of the rest of the world if we are to secure the peace. Can we then in the face of this logic afford to be isolationist in our domestic thinking? We must come to a clear realization that discrimination at home, no less than armed aggression abroad, threatens our own freedom and security. We cannot rest content no matter how high our general standard of living may be if some fraction of our people - be it one-third, one-fifth or one-tenth - is denied the opportunity of making a living and making a life. Equal justice for all was one of the ideals upon which this nation was founded. In large measure we have achieved legal and political justice. We have a long way to go, however, to achieve economic justice without which, in an age of limitless productive capacity, other forms of justice become increasingly hollow. In our complex industrial civilization freedom cannot exist without economic security and independence. In the words of President Roosevelt, "Necessitous men are not free men...People who are hungry and out of a job are the stuff of which dictatorships are made."

The Civil War gave rise to the Know Nothings. The American Protective Association was spawned of the American-Spanish War, and the Ku Klux Klan was revived in the aftermath of World War I. The first two of these groups directed their fury against the Catholics. The Klan combined hatred of Catholics, Negroes and Jews, and each of these groups gained more adherents than did its predecessor. If after this war we fail to hold out the hope of equal opportunity to all, we shall set the stage for some demagogue to hold out the hope of special privilege to each. In that direction lies neither peace nor democracy.

The problem of demobilization and reconversion presents a challenge as grave as the challenge of the war itself. It is clear that the demobilization of our military machine will bring about at least a temporary reduction in the demands of industry for manpower. It is equally clear that members of minority groups will be most adversely affected because their gains have been made precisely in those

industries which are likely to be most drastically curtailed and because they possess the least amount of protection under seniority rules. What the reconversion to peace and the ensuing civilian demands will mean in the post war industrial picture is the subject of speculation and study by this Congress. But of one thing we must be certain. Namely, that our mustering out of men and industry shall not bring about a demobilization of the opportunity for any segment of our citizenship to earn a fair and decent living.

The present Fair Employment Practice Committee, as you know, is limited in its jurisdiction to war industries. As the rate of war contract cancellations and production "cutbacks" grows, an increasing number of employers will no longer be responsible to the present Fair Employment Practice Committee for unfair employment practices. To meet the continual narrowing of the present Fair Employment Practice Committee's coverage, it is necessary to pass without delay the legislation now being considered by the House Committee on Labor. Such legislation, moreover, must in our opinion, provide enforcement powers and not a mere continuance of the present Fair Employment Practice Committee. In the postwar period, when federal government contracts are likely to be reduced to a minimum, when wartime shortages of labor are not likely to continue, a permanent Fair Employment Practice Committee without enforcement powers is bound to be virtually ineffective.

In the recent election the Presidential candidates of both parties called for the establishment of a permanent Federal Fair Employment Practice Commission. In so doing they reflected the sentiments of the great majority of Americans who believe that if a man is deemed capable of carrying our flag in battle, capable of protecting us from our common enemies from without, capable of producing essential goods in time of war, then he and others like him are entitled by right and moral justice to an equal opportunity in peace to advance to the full measure of his ability. Tomorrow's democracy must discriminate against discrimination. To that end the organization which I represent urges the speedy enactment of a permanent Fair Employment Practice Commission as established by H.R. 3986, H.R. 4004, and H.R. 4005.

LEGISLATIVE SAFEGUARDS AGAINST EMPLOYMENT DISCRIMINATION

Arnold Aronson

To insure that the gains of the past few years shall not be limited for the duration we need a permanent Fair Employment Practice Commission on both the federal and state levels with adequate staff, adequate finances, and adequate powers of investigation and enforcement.

There are some who argue that while we should condemn discrimination and seek to eliminate it, we should avoid the use of law since law represents force, and democracy can never be forced into being. They preach patience and education, and point to the progress that has been achieved. Prejudice, they tell us, can never be legislated out of existence and, besides, is not the right to be prejudiced in itself a civil liberty? Civil liberties are not mere abstractions existing in a vacuum. There is a fundamental distinction, based on practical realities, between the right to be prejudiced and the right to translate those prejudices into action which infringes on the rights and liberties of others. The Wagner Act, the Norris-LaGuardia Act and similar other labor legislation have not eliminated the anti union bias of certain employers. They have, however, succeeded in preventing those employers from expressing their prejudice in such a manner as to deny employment to any individual solely because of his union membership. Similarly, the establishment of a statutory F.E.P.C. will not automatically eliminate racial and religious prejudice, but it will, nevertheless, prevent that prejudice from being exercised so as to exclude whole segments of our population from equal job opportunity. Laws do not of themselves over end the abuses they are designed to correct. They do, however, establish criteria by which our actions may be judged. Enactment of a permanent F.E.P.C. will establish equality of job opportunity as a civil right. It will indicate that public policy is opposed to hiring standards based on race, creed, color or national origin, and it will thus provide a frame of reference within which the necessary educational processes can be accelerated.

Today's employment is the product of expediency. There is little evidence of any basic changes in the preconceived prejudices and stereotyped generalizations about minority groups. In many industries barriers have been removed from the hiring front only to be resurrected at the scene of training and upgrading. In many others, even today, in the face of the current manpower shortage, racial and religious bigotry still operate to prevent the hiring of qualified workers. In considering national service legislation and various work or fight bills as a means of solving the present manpower crisis, Congress might very well give thought to the many hundreds of thousands of workers who are still being denied an opportunity of contributing their full skills toward producing the vitally needed weapons of victory solely because of their skin color or mode of worship, and see to it that this gap is filled by the speedy enactment of a permanent F.E.P.C.

The incessant attack to which the present F.E.P.C. has been subjected, and the defiance with which its directives have been received by certain employers and labor unions makes it abundantly clear that we cannot leave the solution of these problems to chance or magnanimity. It is this tendency on the part of so many Americans to regard their plain duty as noble altruism which is as irritating as it is myopic. The opportunity of making a living must no longer be considered an act of impulsive generosity which can be withdrawn at the whim or will of the benefactor, but must become firmly established by law as the inalienable right of each individual without regard to race, creed, color or national origin.

The welfare of any minority group is ultimately dependent upon the welfare of the total community. All minority groups should, therefore, unite with all other progressive forces to secure legislation which will provide full employment

and a high level of consumer purchasing power for all our citizenry. Even within a full production economy there will still be situations in which the better jobs will be reserved for certain favored groups. With sixty million jobs, however, there will be no blanket exclusion from employment, and it will be difficult to perpetuate year after year and decade after decade the gross forms of discrimination to which we have been accustomed. Full employment will not automatically solve the problem of employment discrimination, but without full employment the problem will not be soluble. Hatred and strife exist whenever men compete with one another for too little food, too little housing, or too few jobs. If, in the post war period, we are faced with another depression and mass unemployment, competition for too few pay envelopes will take the form of competition between the various racial, religious, and ethnic groups in each community. Democracy, like peace, is indivisible, and none of us will be secure so long as any fraction of our people - be it one-third, one-fifth, or one-tenth - is denied the opportunity of making a living and a life.

ASA PHILIP RANDOLPH SUBJECT FILE Florida Real Estate 1959-79

THE FOLLOWING DOCUMENT IS A PHOTOCOPY.

THE ORIGINAL IS NOT IN THE A. PHILIP RANDOLPH COLLECTION AT

THE LIBRARY OF CONGRESS

February 16, 1959

Dear Sir:

I am herewith enclosing check for $10.00 as down payment on five acres of land which, according to your terms, will cost $105.00 to be paid at the rate of $10.00 per month.

It is my understanding that there will be no interest charges on payments, and I will be furnished a free title insurance policy deed after the contract has been completed.

Very truly yours,

Mr. Bernard Sacks
Broker, Registered Real Estate
927 Lincoln Road
Miami Beach 3, Florida

Palene Associates, Inc.

927 LINCOLN ROAD
ROOM 106 MIAMI BEACH 39, JE 2-2481
FLORIDA

March 3, 1959

A. Philip Randolph
217 West 125th Street
New York 27, New York

Dear Mr. Randolph:

Enclosed you will find a copy of your contract for your records. For your convenience in making payments we have also enclosed a payment book. Each time you make a payment, please fill out a slip from the book and mail it with your payment.

We have taken the liberty of filling out the first page of this payment book. You will please note that your next payment is due on March 23, 1959.

Once again we wish to thank you for the opportunity of serving you.

Sincerely yours,

PALENE ASSOCIATES, INC.

B. Towers

B. TOWERS,
Sales Manager

BT:sak
encl.

PALENE
associates
927 lincoln road
miami beach 39, fla.
telephone je 2-2481

April 6, 1961

Randolph A. Philip
217 West 125th St.
New York 27, N.Y.

Dear Mr. Randolph:

I enjoyed talking with you on the phone the other day and hope that one of these days I will have the pleasure of meeting you. As per our conversation, I am enclosing a contract covering the additional five acres of land in Collier County which, as you already know, is a very fine investment to make at this time. The land you already purchased at $ 99.00 per acre will be selling May 1, 1961, at $159.00 per acre.

Please sign all 3 copies on the line marked "Purchaser" and have this witnessed. Return this contract at your earliest convenience in the enclosed self-addressed envelope. Upon receipt of your signed contract we will send you a signed copy for your records and a new payment book. I am also enclosing a Section Blank indicating the location of your tract.

Enclosed is a copy of the ad which we discussed that appeared in the Miami Herald a few weeks ago. As you can see, this undeveloped land, very near Palene Ranchettes in Collier County, is selling for $860 per acre. It is now only a matter of time until all land prices in Collier County increase sharply again.

The enclosed contract is made out for $ 600.00 for 5 acres. This is a special price offered only to our regular customers before our prices go up again. I know now that you have come to appreciate the wisdom of your choice in buying land in growing Florida.

If I may be of any further assistance to you, please do not hesitate to contact me. With kindest regards, I remain,

Sincerely yours,

PALENE RANCHETTES
Lewis Levy
Lewis Levy

LL:im
encls.

P.S. Please enclose your check for the down-payment along with the contract.

[redacted]
and subdivisions

SUN RIDGE *Acres*

927 LINCOLN ROAD ★ MIAMI BEACH. FLORIDA ★ PH: JE 2-2481

June 20, 1962

Phillip A. Randolph
217 West 125th St.,
New York, N.Y.

Re: Accts. #07-6121
#07 - 5312

Dear Mr. Randolph

In order to insure proper distribution of your monthly check; will you please designate the exact amount you wish credited to each of your above mentioned accounts.

This will help us considerably in our accounting department, and it will be greatly appreciated. If you are out of payment envelopes, we will be more than happy to send you a new supply.

Very truly yours,

SUNRIDGE ACRES

Rae Lewis

RL:im

Rae Lewis, Bookkeeper

July 17, 1962

Miss Rae Lewis, Bookkeeper
Sun Ridge Acres
927 Lincoln Road
Miami Beach, Florida

Re: Accts. #07-6121
#07-5312

Dear Miss Lewis:

This will acknowledge your letter of June 20, 1962 requesting that I designate the exact amount I wish credited to each of my accounts.

May I say that my payments are always accompanied by receipts from the payment book indicating how the account is to be credited.

For example, on April 5, 1962 I forwarded a check in the amount of fifty dollars to be applied to account #5312. I enclosed five receipts, covering the months of June, July, August, September and October, 1962, at ten dollars per month.

Similarly, on the same date I forwarded a check for fifty dollars to be applied on account #6121, and enclosed five receipts covering the months of June, July, August, September and October 1962, at ten dollars per month.

I will be pleased to receive a supply of payment envelopes at your convenience.

Many thanks for your cooperation.

Very truly yours,

A. Philip Randolph

THE FOLLOWING DOCUMENT IS A PHOTOCOPY.

THE ORIGINAL IS NOT IN THE A. PHILIP RANDOLPH COLLECTION AT

THE LIBRARY OF CONGRESS

WARRANTY DEED
(FROM CORPORATION)

RANCO'S FORM A-3

78964

Warranty Deed

OFF REC 128 PAGE 183

This Indenture, *Made, this* 19th *day of* December *, A. D. 19* 62.

Between ARIZONA-FLORIDA LAND AND TITLE CO. *, a corporation existing under the laws of the State of* Florida *, having its principal place of business in the County of* Dade *and State of* Florida *, and lawfully authorized to transact business in the State of Florida, party of the first part, and*

A. Philip Randolph
217 West 125th Street
New York 27, N.Y.

RECORDED
OFFICIAL RECORD BOOK
COLLIER COUNTY, FLORIDA
DEC 31 11 05 AM '62
MARGARET T. SCOTT
CLERK OF CIRCUIT COURT

of the County of *and State of*

part y *of the second part* **Witnesseth:**

That the said party of the first part, for and in consideration of the sum of

Ten dollars and other good and valuable considerations *Dollars, to it in hand paid by the said part* y *of the second part, the receipt whereof is hereby acknowledged has granted, bargained and sold to the said part* y *of the second part,* his *heirs and assigns forever, the following described land situate, lying and being in the County of* Collier *and State of Florida, to-wit:*

N½ of the SW¼ of the NE¼ of the SE¼ of Section 21, Township 52 South, Range 33 East consisting of five acres in Collier County, Florida.

SUBJECT TO:

1. Taxes for the year 1962 and following.
2. Rights of persons in possession other than the owner.
3. Facts that an accurate survey or personal inspection of the property disclosed or would have disclosed.
4. Unrecorded labor, mechanic or materialman's liens, if any.
5. Zoning and/or other restrictions imposed by governmental authority.
6. An oil, gas and mineral lease from Miami Shipbuilding Corp. to Trinity Oil Corp. dated Dec. 27, 1950, recorded Feb. 22, 1951 in Official Records Book 20, at Page 5, Collier County, Florida.
7. Easement to Central and Southern Florida Flood Control District dated Jan. 12, 1950, recorded Feb. 6, 1950 in Deed Book 3236 at Page 582, Dade County, Florida.
8. Usual Reservations in favor of the Trustees of the Internal Improvement Fund of the State of Florida, if any.
9. An undivided 3/4ths interest in and to the oil, gas and mineral rights which have been reserved by previous owners of the subject property.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof,
the said party of the first part has caused these presents to be signed in its name by its proper officers, and its corporate seal to be affixed, attested by its secretary, the day and year above written.

(Corporate Seal)

ARIZONA-FLORIDA LAND AND TITLE CO.

Attest: Mac Kinsbruner
Mac Kinsbruner *Secretary.*

Signed, sealed and delivered in presence of us:

Bernard Sacks *President*

OFF. REC. 128 PAGE 184

State of Florida,

County of Dade

I Hereby Certify *that on this* 26th *day of* December *A. D. 19* 62 *, before me personally appeared* Bernard Sacks *and* Mac Kinsbruner *President and Secretary respectively of* Arizona-Florida Land & Title Co. *, a corporation under the laws of the State of* Florida *to me known to be the persons who signed the foregoing instrument as such officers and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.*

Witness *my signature and official seal at* Miami Beach *in the County of* Dade *and State of* Florida *the day and year last aforesaid.*

My commission expires:

Notary Public, State of Florida at Large
My Commission Expires Feb. 6, 1966

Kathleen Fabbron

Notary Public, State of Florida.

RAMCO'S FORM A-3

Warranty Deed

(FROM CORPORATION)

TO

Dated

ABSTRACT OF DESCRIPTION

FLORIDA DOCUMENTARY STAMP TAX CLERK CIRCUIT COURT

Recorded in ONicial Records Book
of COLLIER COUNTY, FLORIDA
MARGARET T. SCOTT
Clerk of Circuit Court

(OG) (REV. 7-1-59) (3-62-2M) FLORIDA PRESS, INC.

OPINION ON TITLE

LIFTER AND ANGEL
(Attorney or firm of attorneys)

407 Lincoln Road
(Address)

Miami Beach, Florida

and **GUARANTEE OF TITLE (OWNER)** by

Lawyers' Title Guaranty Fund

Qualified with and supervised by Insurance Commissioner of Florida

ORLANDO, FLORIDA

Owner A. PHILIP RANDOLPH

Declared value of property:

$ 495.00

Effective date of this document:

December31, 1962 at 11:05 A.M.

Based on an examination of the certified abstract of title (or certified chain of title and an examination of the public records indicated thereby), and an examination of the public records subsequent to the period covered by the abstract or chain of title, the undersigned, a member (or a firm composed of members) of LAWYERS TITLE GUARANTY FUND, hereby renders the above named owner this opinion and advises that, in the opinion of the undersigned, the estate or interest of the Owner in the real estate described in Schedule A hereof is the estate or interest specified in said Schedule A, and further advises that, in the opinion of the undersigned, such estate or interest of the Owner is free of all encumbrances, liens, and other objections, except such encumbrances, liens, and other objections as are shown by Schedule B hereof.

Member's Signature (SEAL) January 9, 1963
Date Signed

GUARANTEE OF TITLE

IN CONSIDERATION of the above named attorney at law (or firm of attorneys at law) having qualified as and being a member (or members) of LAWYERS' TITLE GUARANTY FUND, LAWYERS' TITLE GUARANTY FUND (a business trust under the provisions of the Declaration of Trust filed with the Secretary of State of Florida, at Tallahassee, Florida, on March 23, 1947, and any amendments to the Declaration of Trust), subject to the Conditions herein, guarantees to the Owner named above, the Owner's legal representative, heirs, and/or devisees, that the estate or interest of the Owner specified in Schedule A hereof in the real estate described in said Schedule A is free of encumbrances, liens, and other objections, except such encumbrances, liens, and other objections as are referred to in Schedule B hereof; and, subject to the Conditions herein, will pay to the Owner all loss or damage, in an amount not to exceed the amount of the declared value of the property, as stated above, the Owner may sustain because of encumbrances, liens, or other objections on or to the estate or interest of the Owner that are not excepted in Schedule B hereof. This guarantee shall become effective when the opinion above has been duly signed and delivered by a member of LAWYERS' TITLE GUARANTY FUND.

IN WITNESS WHEREOF, LAWYERS' TITLE GUARANTY FUND has caused this document to be executed in its name by its executive secretary and its seal affixed, all by direction of its Board of Trustees.

LAWYERS' TITLE GUARANTY FUND — ORGANIZED 1947 — STATE OF FLORIDA — A BUSINESS TRUST

Lawyers' Title Guaranty Fund

By Hewen A. Lasseter
Hewen A. Lasseter, Executive Secretary

SERIAL

2239-OG № 173966

SCHEDULE A

1. The estate or interest of Owner covered by this document is: fee simple.

2. Record evidence of the Owner's title is:

That certain Warranty Deed dated December 19, 1962, recorded December 31, 1962, among the public records of Collier County, Florida, in Official Records Book 128, at page 183, wherein Arizona-Florida Land and Title Co. is Grantor, and A. Philip Randolph is Grantee.

3. The real estate on which this opinion is rendered and this guarantee is given is located in Collier County, Florida, and is described as:

$N\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, Section 21, Township 52 South, Range 33 East, consisting of five acres in Collier County, Florida.

SCHEDULE B

This opinion and guarantee, in addition to any exceptions in the description in Schedule A hereof, is subject to:

1. All taxes for the year of the effective date of this opinion and guarantee, unless noted here that such taxes have been paid.
2. Rights of persons in possession, other than the Owner.
3. Facts that an accurate survey or personal inspection of the property disclosed or would have disclosed.
4. Unrecorded labor, mechanic, or materialman liens.

Owner [illegible]

Declared value of property:

$ 495.00

Effective date of this document:

December31, 1962 at 11:05 A.M.

Based on an examination of the certified abstract of title (or certified chain of title and an examination of the public records indicated thereby), and an examination of the public records subsequent to the period covered by the abstract or chain of title, the undersigned, a member (or a firm composed of members) of LAWYERS TITLE GUARANTY FUND, hereby renders the above named owner this opinion and advises that, in the opinion of the undersigned, the estate or interest of the Owner in the real estate described in Schedule A hereof is the estate or interest specified in said Schedule A, and further advises that, in the opinion of the undersigned, such estate or interest of the Owner is free of all encumbrances, liens, and other objections, except such encumbrances, liens, and other objections as are shown by Schedule B hereof.

Stanley Angell (SEAL) January 9, 1963

Member's Signature — Date Signed

GUARANTEE OF TITLE

IN CONSIDERATION of the above named attorney at law (or firm of attorneys at law) having qualified as and being a member (or members) of LAWYERS' TITLE GUARANTY FUND, LAWYERS' TITLE GUARANTY FUND (a business trust under the provisions of the Declaration of Trust filed with the Secretary of State of Florida, at Tallahassee, Florida, on March 22, 1947, and any amendments to the Declaration of Trust), subject to the Conditions herein, guarantees to the Owner named above, the Owner's legal representative, heirs, and/or devisees, that the estate or interest of the Owner specified in Schedule A hereof in the real estate described in said Schedule A is free of encumbrances, liens, and other objections, except such encumbrances, liens, and other objections as are referred to in Schedule B hereof; and, subject to the Conditions herein, will pay to the Owner all loss or damage, in an amount not to exceed the amount of the declared value of the property, as stated above, the Owner may sustain because of encumbrances, liens, or other objections on or to the estate or interest of the Owner that are not excepted in Schedule B hereof. This guarantee shall become effective when the opinion above has been duly signed and delivered by a member of LAWYERS' TITLE GUARANTY FUND.

IN WITNESS WHEREOF, LAWYERS' TITLE GUARANTY FUND has caused this document to be executed in its name by its executive secretary and its seal affixed, all by direction of its Board of Trustees.

Lawyers' Title Guaranty Fund

By Hewen A. Lasseter

Hewen A. Lasseter, Executive Secretary

SERIAL

2239-OG № 173966

SCHEDULE A

1. The estate or interest of Owner covered by this document is: fee simple.

2. Record evidence of the Owner's title is:

That certain Warranty Deed dated December 19, 1962, recorded December 31, 1962, among the public records of Collier County, Florida, in Official Records Book 128, at page 183, wherein Arizona-Florida Land and Title Co. is Grantor, and A. Philip Randolph is Grantee.

3. The real estate on which this opinion is rendered and this guarantee is given is located in Collier County, Florida, and is described as:

$N\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, Section 21, Township 52 South, Range 33 East, consisting of five acres in Collier County, Florida.

SCHEDULE B

This opinion and guarantee, in addition to any exceptions in the description in Schedule A hereof, is subject to:

1. All taxes for the year of the effective date of this opinion and guarantee, unless noted here that such taxes have been paid.
2. Rights of persons in possession, other than the Owner.
3. Facts that an accurate survey or personal inspection of the property disclosed or would have disclosed.
4. Unrecorded labor, mechanic, or materialman liens.
5. Zoning and/or other restrictions and prohibitions imposed by governmental authority.
6. Restrictions, easements, and reverter rights as follows:

7. An oil, gas and mineral lease from Miami Shipbuilding Corporation to Trinity Oil Corp., dated Dec. 27, 1950, recorded Feb. 22, 1961, March 15, 1951 and May 10, 1957 in Deed Book 20, page 5, Deed Book 20, page 11 and Official Records Book 7 at page 521, respectively.
8. Easement to Central and Southern Florida Flood Control District dated Jan. 12, 1950, recorded Feb. 6, 1950 in Deed Book 3236 at page 582, Collier County, Florida.
9. Usual reservations in favor of the Trustees of the Internal Improvement Fund of the State of Florida, if any.
10. An undivided 3/4ths interest in and to the oil, gas and mineral rights which have been reserved by previous owners of the subject property.

(For other objections or exceptions or for continuations attach exhibits as required.)

CONDITIONS

1. LAWYERS' TITLE GUARANTY FUND, hereinafter termed "The Fund", shall have the right to, and will at its own expense, defend the person, persons, corporation, or association to whom this guarantee is issued, hereinafter termed "the Owner" (which term shall include a lessee or a purchaser under contract, if such is the interest guaranteed as shown in Schedule A hereof, and shall include the legal representatives, heirs and devisees of the Owner but shall not include a purchaser from the Owner), in any action of ejectment or other action or proceeding founded upon a claim of encumbrance, lien, or other objection which existed or is claimed to have existed prior in date to the effective date hereof and not excepted in the description of the property herein, nor by Schedule B hereof, nor by these conditions; reserving, however, a continuing option of settling the claim or paying this guarantee in full; and the payment or tender of payment to the full amount of this guarantee shall terminate all liability of The Fund hereunder. It shall be the duty of the Owner promptly, upon learning of such a claim, to give The Fund written notice thereof, addressing the notice to LAWYERS' TITLE GUARANTY FUND, Orlando, Florida, with full particulars, and in case any action or proceeding as hereinabove mentioned shall be brought, it shall be the duty of the Owner at once to notify The Fund thereof in writing, by addressing the notice as above set forth, and The Fund shall have the right to defend such action or proceeding in the name of the Owner, in its own name, or in such a manner as The Fund may elect and the law may allow. If such notice of claim shall not be given with reasonable promptness, or if notice of suit shall not be given to The Fund, by addressing it in writing as above set forth, within seven days after summons or other process in such action or proceeding shall be served upon the Owner, then all liability of The Fund in regard to said claim, or the subject matter of such action or proceeding shall cease and terminate; provided, however, that failure to notify shall in no case prejudice the claim of the Owner if the Owner is not a party to such action or proceeding, nor be served with summons therein, nor have any knowledge thereof. By undertaking the defense of any action or proceeding, The Fund shall not be deemed to have admitted liability hereunder, nor shall it be thereby precluded, after complete investigation and ascertainment of all material facts, from questioning its liability. The Owner, whenever requested by The Fund, by its chairman, executive secretary, or attorney, shall aid in effecting settlement, securing information and evidence, the attendance of witnesses and in prosecuting appeals, but shall not voluntarily assume any liability or interfere in any negotiation for settlement of any legal proceeding, or incur any expense or settle any claim, without the written consent of The Fund previously given, except at the Owner's own expense.

2. Nothing contained in this guarantee shall be construed as guaranteeing against loss or damage: (1) resulting from fraud on the part of the Owner; (2) by reason of the Owner not being a bona fide purchaser for value; (3) resulting from any act, condition or relationship created, suffered or permitted by the Owner, but not disclosed by the public records of the county where the property is located; (4) by reason of the fact that the Owner contravened any bankruptcy law in acquiring the estate or interest hereby guaranteed; (5) by reason of any right of dower of the spouse, or homestead rights of the spouse and children of the Owner; (6) resulting from the refusal of any party to carry out any contract to purchase, lease or lend money on the estate or interest of the Owner; (7) by reason of the exercise or enforcement or attempted enforcement of any governmental police power or any right of eminent domain over the property hereby guaranteed or (8) resulting from any encumbrance, lien or other objection arising after the effective date of this guarantee.

3. If the interest shown in Schedule A-1 herein is a leasehold this guarantee is subject to all terms and conditions of said lease as described in Schedule A-2 and the limit of the liability of The Fund under this guarantee shall be: (1) The fair and reasonable value of the leasehold in excess of the rent paid or to be paid for that part of the term of the lease that is unexpired at the time an adverse claim on which the Owner's right of recovery under this instrument is established, and (2) the fair and reasonable value of any improvements purchased or made by the Owner on the leased premises and authorized by the lease, which said improvements, if they partake of the nature of real property, for the purpose of this guarantee, shall be considered as real and not personal property, and (3) the items provided for by paragraph 8 of these conditions provided, however, that under no circumstances shall liability of The Fund under (1) and (2) of this paragraph exceed the declared value hereof. If the interest shown in Schedule A-1 herein is that of purchase under contract of sale, then this guarantee shall be subject to all the terms and conditions of the contract of sale.

4. Notwithstanding any language to the contrary typed with the description in Schedule A-3 herein, nothing contained in this guarantee shall be construed as guaranteeing (1) title to personal property even though the same may be attached to, or used in connection with the real property described in Schedule A-3; (2) the title or rights of the Owner in any property beyond the boundaries of the property described in Schedule A-3 of this guarantee, or in any streets, roads, lanes, alleys or other ways in or upon which said property abuts, or to tide lands, or lands comprising the shores or bottoms of navigable waters, or lands beyond the harbor or bulkhead lines as established by governmental authority; (3) riparian or littoral rights, or (4) title to filled in lands unless, following the description in Schedule A-3, a specific statement shall be made that said property in whole or part comprises filled in land and title thereto is guaranteed under this guarantee, notwithstanding any condition provided in this guarantee.

5. No claim for damages shall arise under this guarantee except under the several provisions and conditions herein, and then only after an encumbrance, lien or other objection not excepted in the description of the property herein, or in Schedule B or excluded by the conditions of this guarantee has been adjudged by a final determination in a court of competent jurisdiction to be valid and effectual to charge the real property described in Schedule A of this guarantee. In litigated matters, The Fund shall always have and be entitled to exercise the right of appeal to a court of last resort and so long as the right remains open to it, there shall not be deemed to have been a "final determination" of the questions at issue. Provided, however, if the decision of the trial court be adverse and of such a character as to require supersedeas for the protection of the Owner pending appeal, The Fund will, to the extent of its pecuniary liability to the Owner, supersede such adverse judgment or decree. If supersedeas in excess of The Fund's liability is required, it shall be the duty of the Owner to furnish such supersedeas, and The Fund will not be responsible for any loss or damage resulting from the failure of the Owner to do so. In every case where liability of The Fund has been fixed in accordance with these conditions, the loss or damage shall be payable within 30 days thereafter.

6. In case of any loss to the Owner by reason of a defect, lien, or encumbrance affecting only a part of the guaranteed property, the measure of damages which the Owner may recover under this policy shall not be a greater fractional part of the declared value of the property as stated in this guarantee than the proportion which the property affected by such defect or encumbrance, exclusive of improvements made thereon subsequent to the date of this guarantee, bears in value to the entire property covered by this guarantee. All payments under this guarantee or under any guarantee issued to the Owner's successor in title covering all or any part of the land described herein shall reduce the amount of the insurance pro tanto and no payment shall be demanded without producing this guarantee for endorsement thereon of such payment. If this guarantee be lost, indemnity must be furnished to the satisfaction of The Fund. Any loss payable under this guarantee may be applied by The Fund to the payment of any mortgage mentioned in Schedule B, the title to which is also guaranteed by The Fund, or which may be held by The Fund, and the amount so paid shall also be deemed a payment to the Owner under this guarantee.

7. Whenever The Fund has settled a claim under this guarantee it shall be entitled to the rights and remedies which the Owner would have had against any other person, persons, or property in respect to such claim, had this guarantee not been issued and the Owner undertakes to transfer or cause to be transferred to The Fund such rights, together with the right to use the name of the Owner when necessary for the recovery thereof, such rights of subrogation to vest in The Fund unaffected by any action of the Owner.

8. The Fund will pay, in addition to the loss, all costs of court imposed on the Owner in litigation carried on by The Fund for the Owner under the requirements of this guarantee but it will in no case be liable for the fees of any counsel or attorney employed by the Owner, and the loss paid, exclusive of costs, shall in no event exceed the amount of this guarantee.

9. In accepting this guarantee, the Owner accepts the same as the contract of LAWYERS' TITLE GUARANTY FUND as a pure trust and not as a partnership. Such acceptance shall constitute an agreement by the Owner with The Fund to look solely to the assets of The Fund for damages and for performance of this guarantee, and no member of The Fund and no trustee of The Fund shall be personally liable on account of this guarantee.

10. If the Owner institutes an action or suit on this guarantee, it shall not be necessary to name the members of the Board of Trustees, as the Board of Trustees of LAWYERS' TITLE GUARANTY FUND, as defendants. In order to save the Owner the annoyance and initial expense of ascertaining the names of the members of the Board of Trustees and naming them and having them served with process, it shall be sufficient merely to name LAWYERS' TITLE GUARANTY FUND as defendant and it shall be sufficient service of process to serve the executive secretary as such, or, in the absence from the State of Florida of the executive secretary, service may be made on the Chairman of the Board of Trustees. Thereupon, the members of the Board of Trustees shall, without raising the issue of the sufficiency of naming of defendants and serving of process, appear as the Board of Trustees of LAWYERS' TITLE GUARANTY FUND and the action or suit shall proceed against the Trustees as such.

GUARANTEE OF
TITLE (OWNER)

ORLANDO, FLORIDA

THE FOLLOWING DOCUMENT IS A PHOTOCOPY.

THE ORIGINAL IS NOT IN THE A. PHILIP RANDOLPH COLLECTION AT

THE LIBRARY OF CONGRESS

(OG) REV. 7-1-60 1000-2-61 FLORIDA PRESS, INC.

OPINION ON TITLE

LIFTER AND ANGEL
(Attorney or firm of attorneys)

407 Lincoln Road
(Address)

Miami Beach, Florida

and GUARANTEE OF TITLE (OWNER) by

Lawyers' Title Guaranty Fund

Qualified with and supervised by Insurance Commissioner of Florida

ORLANDO, FLORIDA

Owner A. PHILIP RANDOLPH

Declared value of property:

$ 495.00

Effective date of this document:

December31, 1962 at 11:05 A. M.

Based on an examination of the certified abstract of title (or certified chain of title and an examination of the public records indicated thereby), and an examination of the public records subsequent to the period covered by the abstract or chain of title, the undersigned, a member (or a firm composed of members) of LAWYERS TITLE GUARANTY FUND, hereby renders the above named owner this opinion and advises that, in the opinion of the undersigned, the estate or interest of the Owner in the real estate described in Schedule A hereof is the estate or interest specified in said Schedule A, and further advises that, in the opinion of the undersigned, such estate or interest of the Owner is free of all encumbrances, liens, and other objections, except such encumbrances, liens, and other objections as are shown by Schedule B hereof.

Member's Signature (SEAL) January 9, 1963
Date Signed

GUARANTEE OF TITLE

IN CONSIDERATION of the above named attorney at law (or firm of attorneys at law) having qualified as and being a member (or members) of LAWYERS' TITLE GUARANTY FUND, LAWYERS' TITLE GUARANTY FUND (a business trust under the provisions of the Declaration of Trust filed with the Secretary of State of Florida, at Tallahassee, Florida, on March 22, 1947, and any amendments to the Declaration of Trust), subject to the Conditions herein, guarantees to the Owner named above, the Owner's legal representative, heirs, and/or devisees, that the estate or interest of the Owner specified in Schedule A hereof in the real estate described in said Schedule A is free of encumbrances, liens, and other objections, except such encumbrances, liens, and other objections as are referred to in Schedule B hereof; and, subject to the Conditions herein, will pay to the Owner all loss or damage, in an amount not to exceed the amount of the declared value of the property, as stated above, the Owner may sustain because of encumbrances, liens, or other objections on or to the estate or interest of the Owner that are not excepted in Schedule B hereof. This guarantee shall become effective when the opinion above has been duly signed and delivered by a member of LAWYERS' TITLE GUARANTY FUND.

IN WITNESS WHEREOF, LAWYERS' TITLE GUARANTY FUND has caused this document to be executed in its name by its executive secretary and its seal affixed, all by direction of its Board of Trustees.

LAWYERS' TITLE GUARANTY FUND ORGANIZED 1947 STATE OF FLORIDA A BUSINESS TRUST

Lawyers' Title Guaranty Fund

By Hewen A. Lasseter
Hewen A. Lasseter, Executive Secretary

SERIAL

2239-OG № 173966

SCHEDULE A

1. The estate or interest of Owner covered by this document is: fee simple.

2. Record evidence of the Owner's title is:

That certain Warranty Deed dated December 19, 1962, recorded December 31, 1962, among the public records of Collier County, Florida, in Official Records Book 128, at page 183, wherein Arizona-Florida Land and Title Co. is Grantor, and A. Philip Randolph is Grantee.

3. The real estate on which this opinion is rendered and this guarantee is given is located in Collier County, Florida, and is described as:

$N\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, Section 21, Township 52 South, Range 33 East, consisting of five acres in Collier County, Florida.

Qualified with and supervised by Insurance Commissioner of Florida

ORLANDO, FLORIDA

Owner A. PHILIP RANDOLPH

Declared value of property: $ 495.00

Effective date of this document: December31, 1962 at 11:05 A.M.

Based on an examination of the certified abstract of title (or certified chain of title and an examination of the public records indicated thereby), and an examination of the public records subsequent to the period covered by the abstract or chain of title, the undersigned, a member (or a firm composed of members) of LAWYERS TITLE GUARANTY FUND, hereby renders the above named owner this opinion and advises that, in the opinion of the undersigned, the estate or interest of the Owner in the real estate described in Schedule A hereof is the estate or interest specified in said Schedule A, and further advises that, in the opinion of the undersigned, such estate or interest of the Owner is free of all encumbrances, liens, and other objections, except such encumbrances, liens, and other objections as are shown by Schedule B hereof.

Member's Signature (SEAL) January 9, 1963 Date Signed

GUARANTEE OF TITLE

IN CONSIDERATION of the above named attorney at law (or firm of attorneys at law) having qualified as and being a member (or members) of LAWYERS' TITLE GUARANTY FUND, LAWYERS' TITLE GUARANTY FUND (a business trust under the provisions of the Declaration of Trust filed with the Secretary of State of Florida, at Tallahassee, Florida, on March 22, 1947, and any amendments to the Declaration of Trust), subject to the Conditions herein, guarantees to the Owner named above, the Owner's legal representative, heirs, and/or devisees, that the estate or interest of the Owner specified in Schedule A hereof in the real estate described in said Schedule A is free of encumbrances, liens, and other objections, except such encumbrances, liens, and other objections as are referred to in Schedule B hereof; and, subject to the Conditions herein, will pay to the Owner all loss or damage, in an amount not to exceed the amount of the declared value of the property, as stated above, the Owner may sustain because of encumbrances, liens, or other objections on or to the estate or interest of the Owner that are not excepted in Schedule B hereof. This guarantee shall become effective when the opinion above has been duly signed and delivered by a member of LAWYERS' TITLE GUARANTY FUND.

IN WITNESS WHEREOF, LAWYERS' TITLE GUARANTY FUND has caused this document to be executed in its name by its executive secretary and its seal affixed, all by direction of its Board of Trustees.

Lawyers' Title Guaranty Fund

By Hewen A. Lasseter

Hewen A. Lasseter, Executive Secretary

SERIAL

2239-OG № 173966

SCHEDULE A

1. The estate or interest of Owner covered by this document is: fee simple.

2. Record evidence of the Owner's title is:

That certain Warranty Deed dated December 19, 1962, recorded December 31, 1962, among the public records of Collier County, Florida, in Official Records Book 128, at page 183, wherein Arizona-Florida Land and Title Co. is Grantor, and A. Philip Randolph is Grantee.

3. The real estate on which this opinion is rendered and this guarantee is given is located in Collier County, Florida, and is described as:

$N\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, Section 21, Township 52 South, Range 33 East, consisting of five acres in Collier County, Florida.

SCHEDULE B

This opinion and guarantee, in addition to any exceptions in the description in Schedule A hereof, is subject to:

1. All taxes for the year of the effective date of this opinion and guarantee, unless noted here that such taxes have been paid.
2. Rights of persons in possession, other than the Owner.
3. Facts that an accurate survey or personal inspection of the property disclosed or would have disclosed.
4. Unrecorded labor, mechanic, or materialman liens.
5. Zoning and/or other restrictions and prohibitions imposed by governmental authority.
6. Restrictions, easements, and reverter rights as follows:
7. An oil, gas and mineral lease from Miami Shipbuilding Corporation to Trinity Oil Corp., dated Dec. 27, 1950, recorded Feb. 22, 1961, March 15, 1951 and May 10, 1957 in Deed Book 20, page 5, Deed Book 20, page 11 and Official Records Book 7 at page 521, respectively.
8. Easement to Central and Southern Florida Flood Control District dated Jan. 12, 1950, recorded Feb. 6, 1950 in Deed Book 3236 at page 582, Collier County, Florida.
9. Usual reservations in favor of the Trustees of the Internal Improvement Fund of the State of Florida, if any.
10. An undivided 3/4ths interest in and to the oil, gas and mineral rights which have been reserved by previous owners of the subject property.

(For other objections or exceptions or for continuations attach exhibits as required.)

CONDITIONS

1. LAWYERS' TITLE GUARANTY FUND, hereinafter termed "The Fund", shall have the right to, and will at its own expense, defend the person, persons, corporation, or association to whom this guarantee is issued, hereinafter termed "the Owner" (which term shall include a lessee or a purchaser under contract, if such is the interest guaranteed as shown in Schedule A hereof, and shall include the legal representatives, heirs and devisees of the Owner but shall not include a purchaser from the Owner), in any action of ejectment or other action or proceeding founded upon a claim of encumbrance, lien, or other objection which existed or is claimed to have existed prior in date to the effective date hereof and not excepted in the description of the property herein, nor by Schedule B hereof, nor by these conditions; reserving, however, a continuing option of settling the claim or paying this guarantee in full; and the payment or tender of payment to the full amount of this guarantee shall terminate all liability of The Fund hereunder. It shall be the duty of the Owner promptly, upon learning of such a claim, to give The Fund written notice thereof, addressing the notice to LAWYERS' TITLE GUARANTY FUND, Orlando, Florida, with full particulars, and in case any action or proceeding as hereinabove mentioned shall be brought, it shall be the duty of the Owner at once to notify The Fund thereof in writing, by addressing the notice as above set forth, and The Fund shall have the right to defend such action or proceeding in the name of the Owner, in its own name, or in such a manner as The Fund may elect and the law may allow. If such notice of claim shall not be given with reasonable promptness, or if notice of suit shall not be given to The Fund, by addressing it in writing as above set forth, within seven days after summons or other process in such action or proceeding shall be served upon the Owner, then all liability of The Fund in regard to said claim, or the subject matter of such action or proceeding shall cease and terminate; provided, however, that failure to notify shall in no case prejudice the claim of the Owner if the Owner is not a party to such action or proceeding, nor be served with summons therein, nor have any knowledge thereof. By undertaking the defense of any action or proceeding, The Fund shall not be deemed to have admitted liability hereunder, nor shall it be thereby precluded, after complete investigation and ascertainment of all material facts, from questioning its liability. The Owner, whenever requested by The Fund, by its chairman, executive secretary, or attorney, shall aid in effecting settlement, securing information and evidence, the attendance of witnesses and in prosecuting appeals, but shall not voluntarily assume any liability or interfere in any negotiation for settlement of any legal proceeding, or incur any expense or settle any claim, without the written consent of The Fund previously given, except at the Owner's own expense.

2. Nothing contained in this guarantee shall be construed as guaranteeing against loss or damage; (1) resulting from fraud on the part of the Owner; (2) by reason of the Owner not being a bona fide purchaser for value; (3) resulting from any act, condition or relationship created, suffered or permitted by the Owner, but not disclosed by the public records of the county where the property is located; (4) by reason of the fact that the Owner contravened any bankruptcy law in acquiring the estate or interest hereby guaranteed; (5) by reason of any right of dower of the spouse, or homestead rights of the spouse and children of the Owner; (6) resulting from the refusal of any party to carry out any contract to purchase, lease or lend money on the estate or interest of the Owner; (7) by reason of the exercise or enforcement or attempted enforcement of any governmental police power or any right of eminent domain over the property hereby guaranteed or (8) resulting from any encumbrance, lien or other objection arising after the effective date of this guarantee.

3. If the interest shown in Schedule A-1 herein is a leasehold this guarantee is subject to all terms and conditions of said lease as described in Schedule A-2 and the limit of the liability of The Fund under this guarantee shall be: (1) The fair and reasonable value of the leasehold in excess of the rent paid or to be paid for that part of the term of the lease that is unexpired at the time an adverse claim on which the Owner's right of recovery under this instrument is established, and (2) the fair and reasonable value of any improvements purchased or made by the Owner on the leased premises and authorized by the lease, which said improvements, if they partake of the nature of real property, for the purpose of this guarantee, shall be considered as real and not personal property, and (3) the items provided for by paragraph 8 of these conditions provided, however, that under no circumstances shall liability of The Fund under (1) and (2) of this paragraph exceed the declared value hereof. If the interest shown in Schedule A-1 herein is that of purchase under contract of sale, then this guarantee shall be subject to all the terms and conditions of the contract of sale.

4. Notwithstanding any language to the contrary typed with the description in Schedule A-3 herein, nothing contained in this guarantee shall be construed as guaranteeing (1) title to personal property even though the same may be attached to, or used in connection with the real property described in Schedule A-3; (2) the title or rights of the Owner in any property beyond the boundaries of the property described in Schedule A-3 of this guarantee, or in any streets, roads, lanes, alleys or other ways in or upon which said property abuts, or to tide lands, or lands comprising the shores or bottoms of navigable waters, or lands beyond the harbor or bulkhead lines as established by governmental authority; (3) riparian or littoral rights, or (4) title to filled in lands unless, following the description in Schedule A-3, a specific statement shall be made that said property in whole or part comprises filled in land and title thereto is guaranteed under this guarantee, notwithstanding any condition provided in this guarantee.

5. No claim for damages shall arise under this guarantee except under the several provisions and conditions herein, and then only after an encumbrance, lien or other objection not excepted in the description of the property herein, or in Schedule B or excluded by the conditions of this guarantee has been adjudged by a final determination in a court of competent jurisdiction to be valid and effectual to charge the real property described in Schedule A of this guarantee. In litigated matters, The Fund shall always have and be entitled to exercise the right of appeal to a court of last resort and so long as the right remains open to it, there shall not be deemed to have been a "final determination" of the questions at issue. Provided, however, if the decision of the trial court be adverse and of such a character as to require supersedeas for the protection of the Owner pending appeal, The Fund will, to the extent of its pecuniary liability to the Owner, supersede such adverse judgment or decree. If supersedeas in excess of The Fund's liability is required, it shall be the duty of the Owner to furnish such supersedeas, and The Fund will not be responsible for any loss or damage resulting from the failure of the Owner to do so. In every case where liability of The Fund has been fixed in accordance with these conditions, the loss or damage shall be payable within 30 days thereafter.

6. In case of any loss to the Owner by reason of a defect, lien, or encumbrance affecting only a part of the guaranteed property, the measure of damages which the Owner may recover under this policy shall not be a greater fractional part of the declared value of the property as stated in this guarantee than the proportion which the property affected by such defect or encumbrance, exclusive of improvements made thereon subsequent to the date of this guarantee, bears in value to the entire property covered by this guarantee. All payments under this guarantee or under any guarantee issued to the Owner's successor in title covering all or any part of the land described herein shall reduce the amount of the insurance pro tanto and no payment shall be demanded without producing this guarantee for endorsement thereon of such payment. If this guarantee be lost, indemnity must be furnished to the satisfaction of The Fund. Any loss payable under this guarantee may be applied by The Fund to the payment of any mortgage mentioned in Schedule B, the title to which is also guaranteed by The Fund, or which may be held by The Fund, and the amount so paid shall also be deemed a payment to the Owner under this guarantee.

7. Whenever The Fund has settled a claim under this guarantee it shall be entitled to the rights and remedies which the Owner would have had against any other person, persons, or property in respect to such claim, had this guarantee not been issued and the Owner undertakes to transfer or cause to be transferred to The Fund such rights, together with the right to use the name of the Owner when necessary for the recovery thereof, such rights of subrogation to vest in The Fund unaffected by any action of the Owner.

8. The Fund will pay, in addition to the loss, all costs of court imposed on the Owner in litigation carried on by The Fund for the Owner under the requirements of this guarantee but it will in no case be liable for the fees of any counsel or attorney employed by the Owner, and the loss paid, exclusive of costs, shall in no event exceed the amount of this guarantee.

9. In accepting this guarantee, the Owner accepts the same as the contract of LAWYERS' TITLE GUARANTY FUND as a pure trust and not as a partnership. Such acceptance shall constitute an agreement by the Owner with The Fund to look solely to the assets of The Fund for damages and for performance of this guarantee, and no member of The Fund and no trustee of The Fund shall be personally liable on account of this guarantee.

10. If the Owner institutes an action or suit on this guarantee, it shall not be necessary to name the members of the Board of Trustees, as the Board of Trustees of LAWYERS' TITLE GUARANTY FUND, as defendants. In order to save the Owner the annoyance and initial expense of ascertaining the names of the members of the Board of Trustees and naming them and having them served with process, it shall be sufficient merely to name LAWYERS' TITLE GUARANTY FUND as defendant and it shall be sufficient service of process to serve the executive secretary as such, or, in the absence from the State of Florida of the executive secretary, service may be made on the Chairman of the Board of Trustees. Thereupon, the members of the Board of Trustees shall, without raising the issue of the sufficiency of naming of defendants and serving of process, appear as the Board of Trustees of LAWYERS' TITLE GUARANTY FUND and the action or suit shall proceed against the Trustees as such.

THE FOLLOWING DOCUMENT IS A PHOTOCOPY.

THE ORIGINAL IS NOT IN THE A. PHILIP RANDOLPH COLLECTION AT

THE LIBRARY OF CONGRESS

Description of property:

1. The N 1/2 of the SW 1/4 of the NE 1/4 of the SW 1/4 of Section 21, Township 52, South, Range 33 East, comprising five acres, in Collier County, Fla. ~~Tract #83~~

N½ SW¼ NE¼ SE¼ - Tax Roll Book

2. The S 1/2 of the NE 1/4 of the SE 1/4 of NE 1/4, Section 21, Township 52 South, Range 33 East, comprising five acres in Collier County, Fla. Tract #41

OK

Webb Title Guarantee Corporation

11575 N. W. 7th AVENUE MIAMI 50, FLORIDA

RECEIPT No. 2101

Date: 9/1/64

Received from A. Philip Randolph

Address 217 West 125th, NYC 27, NY

The Sum of Thirty five — $35.00 (check - cash)

Recording Fee _____
Title Insurance _____
Abstract ✓

WEBB TITLE GUARANTEE CORP.

By: _____
Authorized Representative

Please close

Webb Title Guarantee Corporation
11575 N. W. 7th AVENUE • MIAMI 50, FLORIDA

BUY FLORIDA
INVESTMENT ACREAGE
FOR SURE PROFIT

MIAMI SEP-8'64 FLA

U.S. POSTAGE 05

MR. A. PHILIP RANDOLPH
217 WEST 125TH STREET
NEW YORK 27, NEW YORK

TITLE COMPANY OF NAPLES

Abstracts - Title Insurance - Escrows

THOMAS I. SWILLING
PRESIDENT

534 PARK STREET
NAPLES, FLORIDA, 33940
MI 2-6059

11-15-65

Mr. A. Philip Randolph
217 West 125th Street
New York, New York

RE: COLLIER COUNTY LANDS

Dear Sir:

Did you get an Abstract when you paid for your land? Most buyers did not.

Because of the discovery of oil by a major oil company near Felda, Florida, just north of Immokalee, Collier County, Florida, together with the planned construction of an oil pipe line from Sunniland (south of Immokalee) to Ft. Lauderdale, and the leasing of oil rights by three major oil companies, and others, many purchasers of 2 1/2 acre, 5 acre, and 10 acre tracts of land in Collier County have found they need an Abstract of Title but do not have one.

Since the demand for Abstracts has recently greatly increased, we have, in order to save our customers expense and to increase our business, prepared mimeographed copies of the Abstracts most in demand. Therefore, we are able to furnish you with a complete Abstract of Title from the Earliest Public Records down to and including an Abstract of the Deed to you, for the sum of $35.00. These Abstracts contain more than 75 letter size pages and weigh approximately one pound and show the status of oil rights <u>now</u> in your land. This offer does not apply where the title has been complicated by lawsuits or otherwise.

After reading the enclosed leaflet explaining the nature of an Abstract, if you are interested in obtaining the complete Abstract of Title to your land, let us have your check for $35.00 and we will prepare and mail it to you by first class mail. If you prefer to pay the amount in installments, there will be an extra charge of $5.00 for bookkeeping and, in that event, send us your check for $10.00 and thereafter $5.00 per month for the next 6 months, at which time your Abstract will be sent to you. We enclose herewith, an application blank for your convenience.

Very truly yours,

TITLE CO. OF NAPLES

RECEIVED
NOV 16 1965
OFFICE OF THE PRESIDENT

Tom Swilling
President

Complete Title Records Covering All of Collier County Real Estate

THE ABSTRACT STORY

WHAT IS A GOOD TITLE TO LAND?

A good and merchantable title to land depends upon a clear and uninterrupted chain of title from the United States Government down to you.

WHAT IS AN ABSTRACT OF TITLE?

An Abstract of Title is a complete history of the title to land obtained from complicated records. It shows whether your title is clear and uninterrupted.

WHAT IS IN AN ABSTRACT?

The pertinent parts of each recorded instrument affecting the land title, such as the names of grantors, grantees, words of grant, the estate conveyed, the interests reserved, easements, leases, signatures, witnesses, seals and acknowledgements, are "abstracted" and typed up so that a title examiner can determine whether the instrument was a valid conveyance and exactly what estate was conveyed.

WHY ARE LAND TITLE RECORDS SO COMPLICATED?

Under Florida law, all land title records are recorded by the County Clerks in a hodge-podge of Deed Books, Mortgage Books, Assignment of Mortgage Books, Satisfaction of Mortgage Books, Lien Books, Judgment Books, Will Books, Probate Order Books, Official Record Books, etc. It requires an experienced Abstractor to keep the records pertaining to the title to a particular parcel of land readily available.

ARE THERE ANY OTHER REASONS WHY LAND RECORDS ARE SO COMPLICATED?

Yes. Since Florida was purchased from Spain in 1819, many Counties have been created in Florida. In the beginning, the Counties were quite large and as the population grew, a portion of a County would be taken to create a new County. The title records were always kept by the older County. By way of illustration, the land you now own in Collier County was once part of St. John's County, the County Seat being over 300 miles away at St. Augustine. In 1823, your land became part of Monroe County, Florida, the County Seat being at Key West, over 100 miles away by water and 250 miles away by land. Afterward, when Lee County was created from Monroe County in 1887, your land became part of Lee County. In 1923, when Collier County was created from Lee County, your land became part of Collier County. There were no instruments recorded in St. John's County which affect the title to your land. There were a number of instruments recorded in Monroe County and numerous instruments recorded in Lee County which affect the title to your land. The old records are still kept in Monroe and Lee Counties, but TITLE CO. OF NAPLES has a complete record of all such instruments, and abstracts of them will appear in your Abstract of Title.

WHO NEEDS AN ABSTRACT?

Anyone who owns land in the State of Florida needs an Abstract. In many States, a person buying real estate will simply go to his lawyer and the lawyer will check the public records himself or secure a title insurance policy for the purchaser. In fact, in a great many States, and in all the original 13 States, an Abstract is rarely heard of. However, in Florida, such is not the case. An Abstract is almost as necessary as your Deed.

DO PEOPLE REALLY REQUIRE AN ABSTRACT?

We do not know of a single bank or lending institution who will make a loan on real estate without being furnished with an Abstract or Title Insurance. Nor do we know of a single experienced real estate investor who will buy real estate without an Abstract or Title Insurance. Why not ask the real estate broker or the banker down on the corner from you this same question? Either will give you the answer free.

I HAVE A WARRANTY DEED. WHY DO I NEED AN ABSTRACT?

A Warranty Deed can convey only the title of the Seller, whether good or bad. A Warranty Deed will not make a bad title good.

WELL, I BOUGHT THE LAND WITHOUT AN ABSTRACT. WHY CAN'T I SELL IT WITHOUT AN ABSTRACT?

You trusted the Seller to have a good title but will your Purchaser trust you to have a good title? That you have not placed a mortgage on the property since you bought it? That there are no judgments or Federal income tax liens against you? Probably not. We have issued many Abstracts on which there is an outstanding mortgage which was not mentioned in the Deed.

WHEN I GET MY ABSTRACT, HOW WILL I KNOW WHETHER THE TITLE IS GOOD OR BAD?

You should have it examined by a lawyer and if there are clouds or defects in the title, he can arrange to clear them up before it is too late.

WHAT DIFFERENCE DOES THAT MAKE? NO ONE HAS TRIED TO TAKE THE LAND AWAY FROM ME.

Perhaps they haven't, but will a claim be made against the land in the future?

WHY GET AN ABSTRACT NOW? WHY NOT WAIT UNTIL I SELL?

Because we have mimeographed the complete chain of title to your land and can furnish one brought up to date to include an abstract of the Deed to you at a very low price. In the future, when the present big demand for these Abstracts has subsided, we will remove the voluminous stencils from our files and destroy them. Afterward, should we receive an order, each Abstract will have to be individually typed and the cost will be approximately $85.00.

HOW DO I KNOW THAT YOU ARE A RESPONSIBLE ABSTRACT COMPANY?

We are members of the Florida Land Title Association and of the American Title Association. Before membership is extended to an Abstract Company, its title records are carefully examined for completeness and accuracy and its business ethics must come up to the rigid standards of the Association. Its personel is checked for experience. The TITLE CO. OF NAPLES is the only Abstract Company with an office in Collier County who has been accepted as a member of the above Associations. We also offer as reference the First National Bank of Naples.

A WORD ABOUT TITLE INSURANCE

WHAT IS TITLE INSURANCE?

It is insurance issued by insurance companies organized for that very purpose. It insures the owner against loss due to failure of title for any reason, except certain items which are shown in the policy and explained to the insured.

IF I GET TITLE INSURANCE, WILL I NEED AN ABSTRACT?

Yes. No title insurance company will insure a bad title any sooner than a fire insurance company will insure a house already on fire. Title insurance companies all have approved title attorneys who either examine an Abstract of Title or title records to determine if the title is already "on fire". If the title is apparently good as shown by the Abstract or title search, they will insure the title. If it should later develop that an unknown heir makes a claim or there were forged instruments in the chain of title or unrecorded mortgages or deeds show up, if the title searcher over-looked an important reservation or outstanding mortgage or if the title attorney makes an error in construing the validity of a deed or satisfaction of a mortgage, then the company will pay any loss sustained by the insured.

IS TITLE INSURANCE EXPENSIVE AND WHAT IS THE ANNUAL PREMIUM?

No, it is not expensive and there is no annual premium. You pay for title insurance only once and it is good as long as you own the land. For example, you pay $35.00 for a title policy up to $1,500.00. For more insurance, the sum is only $7.50 for each $1,000.00 as additional insurance. That is all you pay even if you own the land 50 years or more. However, when you sell the land, that cancels your policy and the new buyer has to take out his own title insurance.

Lot Headquarters

SERVING LOT AND ACREAGE OWNERS FOR THE PAST FORTY YEARS

1404 Ponce De Leon Boulevard - P. O. Box 41 - Coral Gables, Florida 33134

Phones: 446-3331 - 443-5323

Harold E. Pontious
Reg. Real Estate Broker

Samson Pederson
Associate

Oct. 16, 1969

Mr. Alhilip Randolph
217 West 125th St.
New York, New York

Dear Sir:

WOULD YOU LIKE TO SELL YOUR LAND???

Our office concentrates on LAND sales only. Our complete facilities and qualified personnel will provide the best possible Real Estate Service to effect a sale on your property.

If you desire to sell, please fill in the necessary information below.

Sincerely,

(TEAR HERE AND RETURN THIS FORM IN PREPAID ENVELOPE)

TO LOT HEADQUARTERS: You may list my land for sale as follows:

DESCRIPTION: S½ NE¼ SE¼ NE¼ Sec. 21-52-33 Collier County, Fla.

SALES PRICE: $_____ including Brokers commission, 10% of selling price.

TERMS DESIRED:

This is not an EXCLUSIVE LISTING and does not obligate me if sold by myself or another broker.

_____(OWNER)

Postage Will be Paid by Addressee

No Postage Stamp Necessary If Mailed in the United States

BUSINESS REPLY MAIL
FIRST CLASS PERMIT No. 14, MIAMI, FLA.

LOT HEADQUARTERS

POST OFFICE BOX 41

CORAL GABLES, FLORIDA 33134

DR 474-C—6/71

21 52 33 N1/2 OF SW1/4 OF
NE1/4 OF SE1/4 5 AC.

NAPLES AUG-6'73 FLA. U.S.POSTAGE .08

21 52 33 25.

ASSESSED VALUE 193:011	CLASSIFIED USE VALUE 193:114	PROPOSED NEW VALUE: EXEMPT VALUE AND CODE	PROPOSED NEW VALUE: TAXABLE VALUE
1250			1250

TO A PHILIP*RANDOLPH
280 9TH AVE
NEW YORK NY 10001

DR 474-C—6/71

21 52 33 S1/2 OF NE1/4 OF
SE1/4 OF NE1/4 5 AC.

NAPLES AUG-6'73 FLA. U.S.POSTAGE .08

21 52 33 70.

ASSESSED VALUE 193:011	CLASSIFIED USE VALUE 193:114	PROPOSED NEW VALUE: EXEMPT VALUE AND CODE	PROPOSED NEW VALUE: TAXABLE VALUE
1250			1250

TO APHILIP*RANDOLPH
280 9TH AVE
NEW YORK NY 10001

NOTICE OF CHANGE OF ASSESSED VALUATION

REAL PROPERTY

If you disagree with the proposed new value you are encouraged, but not required, to discuss this matter with this office. Any objection not reconciled by this office can be made by petition to the Board of Tax Adjustment. Such petition may be obtained at this office and shall be filed with the clerk of the governing body prior to July 15 (unless the time for completion of the tax roll is lawfully extended).

Sam J. Colding, Tax Assessor
Collier County, Naples, Florida 33940

THIS IS NOT A BILL

NOTICE OF CHANGE OF ASSESSED VALUATION

REAL PROPERTY

If you disagree with the proposed new value you are encouraged, but not required, to discuss this matter with this office. Any objection not reconciled by this office can be made by petition to the Board of Tax Adjustment. Such petition may be obtained at this office and shall be filed with the clerk of the governing body prior to July 15 (unless the time for completion of the tax roll is lawfully extended).

Sam J. Colding, Tax Assessor
Collier County, Naples, Florida 33940

THIS IS NOT A BILL

Lot Headquarters

SERVING LOT AND ACREAGE OWNERS FOR THE PAST FORTY YEARS

1404 Ponce De Leon Boulevard - P. O. Box 41 - Coral Gables, Florida 33134

Phones: 446-3331 - 443-5323

Harold E. Pontious
Reg. Real Estate Broker

Associates
[redacted]
Tom B. Parker
[redacted]
Donald Millhorn

January 21, 1974

Mr. A. Philip Randolph
260 Park Avenue South
New York, New York 10010

Dear Mr. Randolph:

Due to the re-location of the Jet Port, the present market value of acreage described in Section 21, Township 54 South, Range 33 East, is approximately $100.00 to $150.00 per acre.

Sincerely,

Harold E. Pontious

HEP/mag

Let's Get Acquainted

SERVING LOT AND ACREAGE OWNERS FOR THE PAST FORTY YEARS

1404 Bonce Drive Galleria - P.O. Box 47 - Coral Gables, Florida 33134

Phone: 445-0221 - 445-8888

Harold E. Pattison
Reg. Real Estate Broker

Associates
Norman Alderman
Tom B. Taylor
Jack Watson
Donald McClain

January 21, 1974

Mr. A. Philip Randolph
260 Park Avenue South
New York, New York 10010

Dear Mr. Randolph:

Due to the re-location of the Jet Port, the present market value of acreage described in Section 21, Township 54 South, Range 39 East, is approximately $100.00 to $150.00 per acre.

Sincerely,

Harold E. Pattison

HEP/mcg

Lot Headquarters

SERVING LOT AND ACREAGE OWNERS FOR THE PAST FORTY YEARS
P. O. BOX 41 - CORAL GABLES, FLORIDA 33134

U.S. POSTAL SERVICE PM 22 JAN 1974 FL 330

DISCOVE

U.S. POSTAL SERVICE 8¢

Mr. A. Philip Randolph
260 Park Avenue South
New York, New York 10010

A. PHILIP RANDOLPH
260 PARK AVENUE SOUTH
NEW YORK, N. Y. 10010

January 4, 1974

Mr. Harold E. Pontious
Lot Headquarters
1404 Ponce DeLeon Boulevard
P. O. Box 41
Coral Gables, Florida 33134

Dear Sir:

I am seriously thinking of disposing of two lots that I own in Collier County, Florida. Before doing so, however, I would like some estimate on your part as to what the properties would bring on the current market, and a consideration on your part as to whether this is an auspicious time for selling.

I would appreciate this information as soon as possible.

Sincerely,

A. Philip Randolph

Description of property:

1. The N 1/2 of the SW 1/4 of the NE 1/4 of the SW 1/4 of Section 21, Township 52, South, Range 33 East, consisting of five acres in Collier County, Florida.

2. The S 1/2 of the NE 1/4 of the SE 1/4, of NE 1/4, Section 21, Township 52 South, Range 33 East, comprising five acres, in Collier County, Florida.

M. H. W. PROPERTIES, INC.
M. HOWARD WEBB - GIOCONDA DEL MONACO WEBB
REGISTERED REAL ESTATE BROKERS
11631 N. W. 7TH AVENUE, MIAMI, FLORIDA 33168 - TELEPHONE (305) 685-8346

- RETAIN ONE COPY FOR YOUR RECORDS -

My correct legal description is as follows: (PLEASE FILL IN)

I am interested in selling, and you may submit my above property to a qualified buyer, as follows:

CASH PRICE - $795.00 for each 2½ acre Unit

It is understood and agreed that funds will be disbursed at closing, as follows:

To Owner		$570.00
less: Fla. Doc. Stamps	$2.40	
less: Sur-tax Charge	1.10	(3.50)
NET TO OWNER		$566.50
To Broker		$225.00

It is understood and agreed that the Broker will handle all details, including but not limited to comprehensive advertising, payment of salesmen's commissions, preparation of deposit receipt contract and Warranty Deed, and recording of Warranty Deed.

I understand this is not an Exclusive Right-of-Sale.

/S/ APR 7-19-74

Owner

Street Address

Owner

City & State zip #

Reg. Broker

Phone Number

MEMBER: MIAMI - DADE CHAMBER OF COMMERCE

M. H. W. PROPERTIES, INC.
M. HOWARD WEBB - GIOCONDA DEL MONACO WEBB
REGISTERED REAL ESTATE BROKERS
11631 N. W. 7TH AVENUE, MIAMI, FLORIDA 33168 - TELEPHONE (305) 685-6346

August 7, 1974

Mr. A. Philip Randolph
260 Park Avenue South
New York, N. Y. 10010

Dear Mr. Randolph:

Thank you very much for returning our ~~Salesm~~Proposal, and you may be assured that we will make every effort to sell your acreage promptly.

For your further information, we are enclosing a Listing Agreement, giving the legal description of acreage you own, outlining our full services to you. Please be kind enough to sign and return one (1) copy to us and retain one (1) copy for your records.

Thanking you for your promptness in returning this in the enclosed postage-paid envelope,

Sincerely yours,

M.H.W. PROPERTIES, INC.

M. Howard Webb, Reg. Broker

TD:am
encls.

envelope in file
ph

A Realtor Designates Only Professional Members
Realtors are required to meet rigid standards.

REALTOR®

of the National Association of Real Estate Boards
Realtors adhere to a code of professional ethics.

M. H. W. PROPERTIES, INC.

M. HOWARD WEBB - GIOCONDA DEL MONACO WEBB
REGISTERED REAL ESTATE BROKERS
11631 N. W. 7TH AVENUE, MIAMI, FLORIDA 33168 - TELEPHONE (305) 685-6346

LISTING AGREEMENT

Date August 7, 1974

1. In consideration of your agreement to use your professional efforts to find a purchaser, the undersigned owners hereby give you for a period of ninety (90) days from this date the sole right and authority to find a purchaser for the following described property, at the following price and terms, or at any other price and terms acceptable to the undersigned owners, to-wit: (Please fill in name(s) in which title is held, and address).

Mr. A. Philip Randolph
260 Park Avenue South
New York, N. Y. 10010

Legal Description: (Please refer to Tax Bill or Warranty Deed and fill in complete legal description before returning this Listing Agreement to us.) (Please type or print clearly.)

(SEE ATTACHED)

ACRES	SALES PRICE
2 ½	$795 Cash

2. If you own more than 2½ acres, we have the right to sell 5 acres, 10 acres, or more in any one sale at the above price and terms for each 2½ acres sold.

3. Upon finding a purchaser for said property, the undersigned owners agree to enter into a written contract with purchaser at the above cash price, per 2½-acre unit.

4. For finding a purchaser ready, willing and able to purchase the above property for cash, the undersigned owners jointly and severally agree to pay you a brokerage fee of $225 for each 2½ acre unit sold, either individually or in multiples of 2½ acres; said fee to be paid you whether the purchaser is found by you or by the undersigned owners, or by any other person, at the price set forth above, or at any price acceptable to the undersigned; further the undersigned agree(s) to immediately refer to you for attention all inquiries relative to said property. If for any reason the undersigned owners do not sign the contract(s) at the above cash price when submitted by the Broker, the undersigned owners jointly and severally agree to immediately pay the brokerage fee of $225 for each 2½ acre unit sold at the above cash price.

5. In consideration of the commission to be paid by the undersigned, the Realtor will pay costs as follows: Advertising, sales commission, preparation of Deposit Contract, and Warranty Deed.

6. When payment has been made in full, the undersigned agree(s) to execute and deliver to the purchaser a good and sufficient Warranty Deed with dower rights, if any, released, free and clear of all liens and encumbrances. Property Taxes shall be pro-rated at the time the Warranty Deed is recorded.

7. The Purchaser agree(s) to pay the cost of Florida Documentary Stamps and Sur-tax charges to be affixed to each Warranty Deed. Said costs are currently as follows: Florida Documentary Stamps, 30¢ per $100.00. Sur-tax, 55¢ per $500.00.

8. As our Broker, you are authorized to act as escrow agent at such time as a Deposit Contract is drawn.

9. It is hereby certified that we are the owners of the property described above, and this Agreement shall be effective immediately, and shall continue until the property has been sold, or this Agreement may be terminated by the undersigned owner(s) on a 30-day written notice after the expiration of 90 days from the date hereof.

10. This Agreement shall be signed by both husband and wife, and any other person who may have an interest in the above described property, and one signed copy of this Agreement is to be returned to the Realtor.

Bernice D. Wiles — A. Philip Randolph
Witness (Sole Owner) (Joint Owner)

Witness (Sole Owner) (Joint Owner)

M. H. W. PROPERTIES, INC:

by M. Howard Webb a.m.
Reg. Real Estate Broker

Signed + witness. 9-5-74 9-9-74

Description of property:

1. The N 1/2 of the SW 1/4 of the NE 1/4 of the SW 1/4 of Section 21, Township 52, South, Range 33 East, comprising five acres, in Collier County, Fla. Tract #83

2. The S 1/2 of the NE 1/4 of the SE 1/4 of NE 1/4, Section 21, Township 52 South, Range 33 East, comprising five acres in Collier County, Fla. Tract #41

BIG CYPRESS NATIONAL PRESERVE

General Information on the National Park Service Land Acquisition Program.

Public Law 93-440, October 11, 1974, provides for the establishment of the Preserve. Congress' intent was to "assure the preservation, conservation and protection of the natural, scenic, hydrologic, floral and faunal, and recreational values" of the area.

It is estimated that 73,000 private ownerships containing 522,000 acres will be acquired for this project within six years from the date of the legislation. Until the lands are actually acquired by the United States, they remain in private ownership. You, as a landowner, have the same rights and liabilities as before the Act.

In recent years certain actions have taken place which may adversely effect property values. A large jetport which was being constructed in this area was stopped due to potential environmental damage. Also, in 1973, the State of Florida declared this entire area to be an Area of Critical State Concern. This imposed very strict regulations on development, making it almost impossible to develop any land not having frontage on an improved road or on which development would adversely affect surface water flows.

Most properties in this purchase area are susceptible to periodic flooding. The area receives an average of 57 inches of rain each year which is concentrated in the summer months. As a result, as much as 90% of the area is covered with shallow, slow-flowing water, draining southward at the rate of 1/2 mile per day. Periods of flooding vary from a few weeks to 9 - 10 months of the year, depending on the location of the various properties. Also, most properties do not have actual road frontage and are accessible only by airboat or swamp buggy over the lands of others.

The amount offered to owners for their lands within the Preserve is based on a thorough individual appraisal prepared by a competent appraiser familiar with the area involved. This appraisal will be made by comparison to properties which have recently sold and on which both the buyers and sellers were knowledgeable of all legal and physical capabilities for use.

The amount offered will be the full appraised value of your property. You cannot be forced to agree to a price which you do not find acceptable and you are protected by the Fifth Amendment of the Constitution of the United States from having your property taken from you without payment of just compensation. In the event that you are not willing to accept the amount you are offered for your property, your refusal to accept this will force the United States to file condemnation proceedings. This procedure permits you and the National Park Service to present value evidence to the courts for a determination of just compensation which is then the amount that you will be paid for your property. This amount may or may not be higher than the amount which you are offered during negotiations.

M. H. W. PROPERTIES, INC.
M. HOWARD WEBB - GIOCONDA DEL MONACO WEBB
REGISTERED REAL ESTATE BROKERS
11631 N. W. 7TH AVENUE, MIAMI, FLORIDA 33168 - TELEPHONE (305) 685-8346

January 20th, 1975

Mr. A. Philip Randolph
260 Park Avenue South
New York, New York #10010

re: MARIANI - S½ Tract 41
Section 21/52/33
Collier County, Florida

Dear Mr.Randolph:

We are pleased to enclose contracts for the sale of the above 2½ acres, and look forward to your signing and returning the original and one copy.

As we have the total purchase price in our escrow account, we are also enclosing the Warranty Deed for conveyance of this property, which kindly have completed as per the instructions attached, and returned to us.

If you are married, Mrs. Randolph must sign also, even in the event the property is held in your name only, according to Florida Law.

If you are an unmarried man, please so advise in writing.

When this Warranty Deed has been recorded, we will disburse the net funds of $570.00 to you, as follows:

Sales Price	$795.00
less: Commission	(225.00)
NET TO A. P. RANDOLPH	$570.00

Thanking you for your prompt attention to this matter, I am

Most sincerely,
M. H. W. PROPERTIES, INC.

M. Howard Webb

M. HOWARD WEBB, Reg. Broker

/tld
encls

MEMBER: MIAMI - DADE CHAMBER OF COMMERCE

BETTER BUSINESS BUREAU OF SOUTH FLORIDA, INC. Member BBB

February 4, 1975

Mr. M. Howard Webb
M.H.W. Properties, Inc.
11631 N. W. 7th Avenue
Miami, Florida 33168

Dear Mr. Webb:

Thank you for your letter of January 20, enclosing contracts for the sale of the listed two-and one-half acres of property in Collier County, Florida. I have signed the contracts and herewith return the original and one copy.

I also enclose the completed Warranty Deed for conveyance of the property, as instructed.

You will note my signature only on the Warranty Deed. Mrs. Randolph is deceased.

Sincerely,

A. Philip Randolph

M. H. W. PROPERTIES, INC.

M. HOWARD WEBB DIOCCHIDA WEBB

REGISTERED REAL ESTATE BROKERS

11631 N.W. 7 AVENUE • MIAMI, FLORIDA 33168 • PHONE (305) 685-6348

MESSAGE

TO: Mr. A. Philip Randolph

260 Park Avenue South
New York, New York 10010

DATE: 1/17/75 - Lands in Section 21/52/33

Enclosed is a copy of the legal Descriptions which you furnished us.

However, in doublechecking with our copy of the tax roll book, we find the first legal should read:

E½ SW¼ NE¼, Section 21/52/33.

Please be kind enough to verify this by checking either your Warranty Deed or tax bill, and advise us. We would appreciate a copy of your Warranty Deed for our records.

Thanking you, and awaiting your reply,

Sincerely,

BY: Phillip Arnette
Secretary to M. H. Webb, Reg. Broker

REPLY

DATE: Feb. 5, 1975

You are correct. I have checked the Warranty Deed and the Tax records. I am enclosing a copy of the Warranty Deed as requested.

A. Philip Randolph

SIGNED

Form N4-873 © The Drawing Board, Inc., Box 505, Dallas, Texas Made in U.S.A. Sender: 1. Keep Yellow copy. 2. Send White and Pink copies with carbons intact. Receiver: 1. Write reply. 2. Detach stub, keep Pink copy, return White copy to Sender.

COLLIER COUNTY

Naples, Florida 33940

October 20, 1975

Dear Taxpayer:

This leaflet has been prepared with the thought that it will supply information of interest to you. I urge you to take a few minutes to review the information shown.

Overall taxes for Collier County property owners have increased over 1974 rates. The County Commissioners' millage increased 27% although almost half of this was due to two new levies placed in their budget for road construction and water management. The millage set by the District School Board increased 6% while tax rates inside the City of Naples decreased slightly less than 2%. The remaining taxing district affect only selected areas and make up a small proportion of the total tax burden. There are too many of these districts to discuss here.

Again, as last year, the county has been divided into thirty three areas for taxing purposes. The consolidation of the water management districts into one fund by the County Commissioners created a situation where many districts are taxed at the same rates. To determine the applicable millage on your property, merely locate your taxing area (which is on your tax bill) on the schedule on the reverse side of this leaflet.

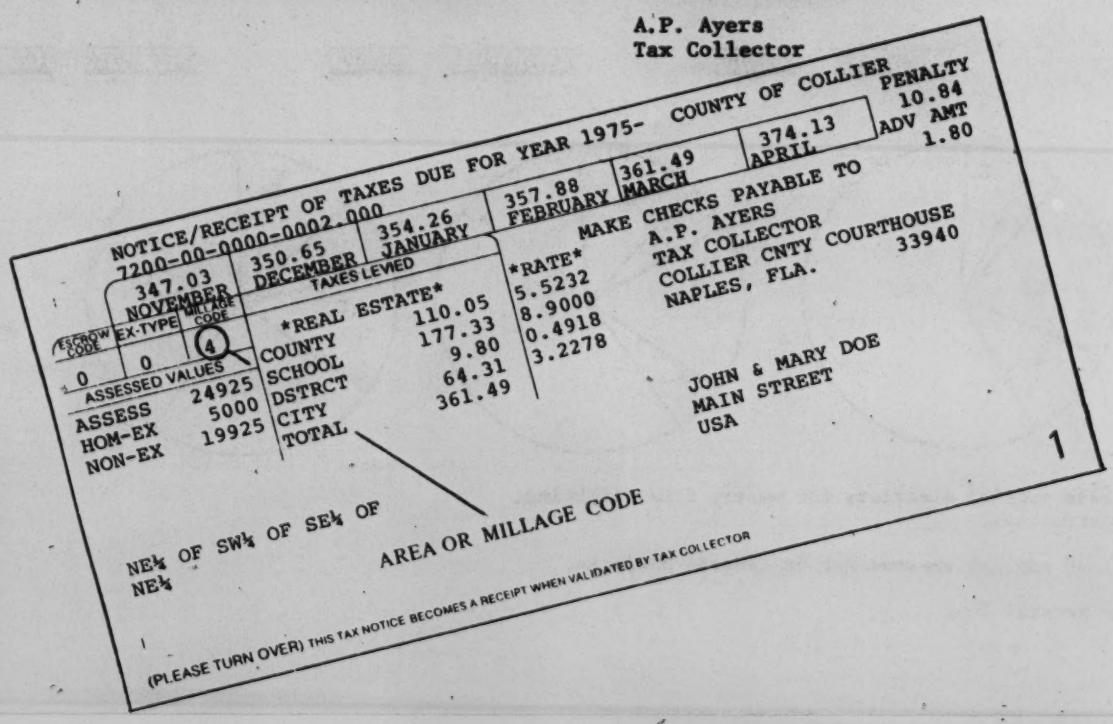
Real estate in Florida is assessed to the property owner of record on January 1 of each year. If you purchased your property in 1975, the tax bill was mailed to the former owner. You should contact the former owner to obtain the bill. If you sold your property in 1975, you will receive the tax bill. Please, forward it to the new owner.

<u>Prompt receipt of the bill will permit the taxpayer to take advantage of the discount provisions for early payment. It will also prevent any penalties and interest caused by non-payment prior to the April 1 deadline.</u>

On the reverse side of this leaflet is a recap of the sources of revenue of the three major taxing districts in the county. This recap is intended to show you where your tax dollars go. The data was taken directly from their 1975-76 budgets.

A copy of a typical tax bill is also reproduced for your convenience.

A.P. Ayers
Tax Collector



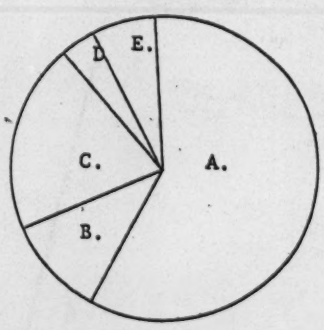
Tax Rates - 1975 (Dollars per thousand of Assessed Value)	TAXING DISTRICT										
	1	2	3	4	5	6	7	8	9	10	11
County	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232
Schools	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000
City of Naples				3.2278							
City of Everglades											
Fire Control			1.0000		.5761	1.0000	1.2500	.7191		1.2500	
Mosquito Control		.4918	.4918	.4918		.4918	.4918	.4918		.4918	.4918
Water Supply/Control											
Beautification/Lighting					.6056						
TOTAL	14.4232	14.9150	15.9150	18.1428	15.6049	15.9150	16.1650	15.6341	14.4232	16.1650	14.9150

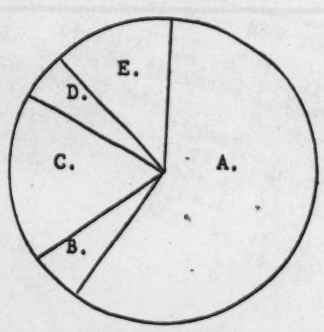
Tax Rates - 1975 (Dollars per thousand of Assessed Value)	TAXING DISTRICT										
	12	13	14	15	16	17	18	19	20	21	22
County	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5 5232
Schools	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000
City of Naples											
City of Everglades				10.0000							
Fire Control		1.2500	.7191		1.0000	.5761	1.0000	1.2500	1.0000		
Mosquito Control	.4918	.4918	.4918		.4918		.4918	.4918	.4918	.4918	
Water Supply/Control			.9691								
Beautification/Lighting					.5381			.5381	.5381		
TOTAL	14.9150	16.1650	16.6032	24.4232	16.4531	14.9993	15.9150	16.7031	16.4531	14.9150	14.4232

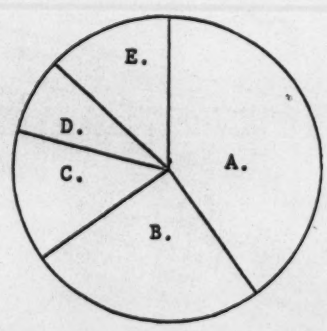
Tax Rates - 1975 (Dollars per thousand of Assessed Value)	TAXING DISTRICT										
	23	24	25	26	27	28	29	30	31	32	33
County	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232	5.5232
Schools	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000	8.9000
City of Naples											
City of Everglades											
Fire Control	1.2500	.7191		1.2500	.7191	1.0000	.7191	1.0000	1.0000	1.2500	1.0000
Mosquito Control	.4918		.4918	.4918	.4918	.4918	.4918		.4918	.4918	.4918
Water Supply/Control											
Beautification/Lighting				.5381						.5381	.5381
TOTAL	16.1650	15.1423	14.9150	16.7031	15.6341	15.9150	15.6341	15.4232	15.9150	16.7031	16.4531

1975-76 SOURCES OF FUNDS

	COUNTY (1)		SCHOOLS (2)		CITY OF NAPLES (3)	
	$	%	$	%	$	%
A. Property Taxes	7,990,590	63.67	14,199,418	66.86	1,744,125	34.45
B. Other Local	1,175,323	9.36	804,000	3.78	1,829,363	36.13
C. State	1,878,646	14.96	3,670,217	17.27	633,550	12.51
D. Federal	465,111	3.70	845,500	3.97	190,885	3.77
E. Carryover	1,043,451	8.31	1,725,916	8.12	665,591	13.14
Total Available	12,553,121	100.00	21,245,051	100.00	5,063,514	100.00







(1) Does not include special districts for water, fire, lighting, weeds, or construction.

(2) Does not include capital improvement or federal projects.

(3) Includes only general fund.

M. H. W. PROPERTIES, INC.
M. HOWARD WEBB - GIOCONDA DEL MONACO WEBB
REGISTERED REAL ESTATE BROKERS
11631 N. W. 7TH AVENUE, MIAMI, FLORIDA 33168 - TELEPHONE (305) 685-6346

February 27th, 1975

Mr. A. Philip Randolph
260 Park Avenue South
New York, New York #10010

re: MARIANI - S½ Tract #41
Section 21/52/33
Collier County, Florida

Dear Mr. Randolph:

Enclosed please find our escrow check #1860 in the amount of $570.00, which represents your net funds due on the above purchase and sale.

Thanking you for the privilege of being of service, I am

Most sincerely,

M. H. W. PROPERTIES, INC.

Gioconda Webb

GIOCONDA WEBB, Reg. Broker

GW:td
encls

Rec'd - 3/5/75

MEMBER: MIAMI - DADE CHAMBER OF COMMERCE

DETACH AND RETAIN THIS STATEMENT

THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED

M. H. W. PROPERTIES, INC. - SPECIAL ESCROW ACCOUNT

DATE	DESCRIPTION	AMOUNT
2/11/75	Sellers' proceeds MARIANI #2263	$570.00

Deposited in my Bank for Savings 3/7/75

M. H. W. PROPERTIES. INC.
Registered Real Estate Brokers
11631 N. W. 7th Avenue - Miami, Florida 33168

MIAMI FEB 28'75 FLA.
U.S. POSTAGE
PB METER 1130113
0.10

Mr. A. Philip Randolph
260 Park Avenue So
New York, New York #10010

M. H. W. PROPERTIES, INC.

M. HOWARD WEBB - GIOCONDA DEL MONACO WEBB
REGISTERED REAL ESTATE BROKERS

TELEPHONE (305) 685-6346

11631 N. W. 7th Avenue MIAMI, FLORIDA 33168

Receipt is hereby acknowledged of the sum of: Miami, Florida, January 17, 19 75

* SEVEN HUNDRED NINETY FIVE 00/100 * Dollars ($ 795.00)

from DANIEL MARIANI; 3178 Paseo Cresta, Levittown, Catano, Puerto Rico

proceeds to be held in escrow by M. H. W. PROPERTIES, INC. subject to the terms hereof, #00632

as a deposit on account of the purchase price of the following described property:

South 1/2 of Tract 41:
The South 1/2 of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4, Section 21, Twp. 52 South, Range 38 East, Collier County, Florida, comprising 2½ acres, more or less, and together with the Sellers' right, title and interest in and to all of the oil, gas and other mineral rights in, on and under the above described property.

Purchase price:

* SEVEN HUNDRED NINETY FIVE 00/100 * 795.00 Dollars ($)

Terms and conditions of sale:

1. It is understood and agreed that the above deposit of $795.00 represents the total purchase price of the above described property.
2. The purchaser acknowledges that the above property is located in an undeveloped area, and is not accessible by roads over which an automobile can be driven.
3. The purchaser shall also pay the following costs: recording fee of Warranty Deed, $4.00; documentary stamps, $2.40; surtax $1.10 (a total of $7.50).

It is understood and agreed that this property is being sold and purchased subject to standard title policy exceptions.

Subject to conditions, restrictions, reservations, limitations and easements of record, if any.

Taxes and other expenses of said property shall be pro-rated as of the closing date.
Certified liens shall be paid at closing by Seller.
Pending liens shall be assumed by Purchaser.

It is understood and agreed that this transaction shall be closed and the Purchaser shall pay the balance of the purchase price and execute all papers necessary to be executed by him for the completion of his purchase on Jan. 17th, 19 75; otherwise the sum this day paid shall be retained by the Seller or agent as liquidated damages, and the parties hereto shall be relieved from all obligations under this instrument.

The Seller shall convey title to the Purchaser by Warranty Deed, and the title which shall be conveyed to the Purchaser shall be insurable subject to the exceptions hereinabove recited, and in the event the title is not so insurable, the Seller agrees to use reasonable diligence on his part, to make said title good, marketable and/or insurable, and shall have reasonable time to do so, but if after reasonable diligence on his part, said title shall not be made good, marketable and/or insurable within ninety (90) days, the money this day paid and all moneys that may have been paid under this contract shall be returned to the purchaser, and thereupon both purchaser and seller shall be released from all obligations hereunder to each other. Or, upon request of the purchaser, the seller shall deliver the title in its existing condition.

Time shall be the essence and this contract shall be binding on both parties, their heirs, personal representatives, and/or assigns when this contract shall have been signed by both parties or their agents.

M.H.W. PROPERTIES, INC.
Registered Real Estate Broker

By Gioconda Webb

I, or we, agree to purchase the above described property on the terms and conditions stated in the foregoing contract, and do hereby approve, ratify, and confirm said contract in all respects.

Witness:

Giovanna del Mariano

X Daniel Mariani (Seal)

(Seal)

G. WEBB/tld

I, or we, agree to sell the above described property on the terms and conditions stated in the foregoing contract, and do hereby approve, ratify, and confirm said contract in all respects.

Witness: Bernice Wells — (x) Philip Randolph (Seal)

_____ (Seal)

I, or we, agree to pay to the above signed broker, as commission for finding the above signed purchaser(s) for the above described property, the sum of Two Hundred twenty five Dollars ($225.00), or one-half of all amounts paid under said contract if the said amounts are retained pursuant to the terms thereof, whichever is the lesser sum.

Witness: Bernice Wells — (x) Philip Randolph (Seal)

_____ (Seal)

THE FOLLOWING DOCUMENT IS A PHOTOCOPY.

THE ORIGINAL IS NOT IN THE A. PHILIP RANDOLPH COLLECTION AT

THE LIBRARY OF CONGRESS

WARRANTY DEED
(STATUTORY)

Warranty Deed

This Indenture, made this 31st day of January ,A.D. 1975 ,

BETWEEN A. PHILIP RANDOLPH

of the County of Bronx Cty - New York in the State of ~~Florida~~ New York part of the first part, and

DANIEL MARIANI; 3178 Paseo Cresta, Levittown, Catano, PUERTO RICO #00632
of the County of , in the State of ~~Florida~~ part y of the second part,

WITNESSETH; That the said part of the first part, for and in consideration of the sum of

* TEN DOLLARS & OTHER GOOD & VALUABLE CONSIDERATIONS * Dollars,

to in hand paid by the part y of the second part, the receipt whereof is hereby acknowledged, granted, bargained and sold to the said party of the second part, his heirs and assigns, forever, the following described land, situate, lying and being in the County of COLLIER and State of Florida, to-wit;

The South 1/2 of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4, Section 21, Township 52 South, Range 33 East, comprising 2½ acres, more or less, together with the Grantors' right, title and interest in and to all of the oil, gas and other mineral rights in, on and under the above described property.

Subject to conditions, restrictions, reservations, limitations and easements of record, if any..

And the said part of the first part do hereby fully warrant title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said part of the first part hereunto set hand and seal the day and year above written.

Signed, sealed and delivered in presence of us:

Bernice D. Wiles L/S — A. Philip Randolph L/S (Seal)

Marguerite E. Rodmell L/S — L/S (Seal)

State of ~~Florida~~ NEW YORK
County of Bronx Cty - New York

I Hereby Certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, A. PHILIP RANDOLPH

to me well known to be the person described in and who executed the foregoing deed, and acknowledged before me that he executed the same freely and voluntarily for the purpose therein expressed.

Witness my hand and official seal at New York, N.Y. County of Bronx Cty, New York and State of New York, this 31st day of January, A.D. 1975.

Emma M. Thomas

My commission expires:
March 30th 1975

EMMA M. THOMAS
Notary Public Nineteenth York
No. 03-1964266
Qualified in Bronx County
Commission Expires March 30, 1975

This instrument was prepared by:
H. H. Webb, 1631 N. W. 7 Ave.,

November 10, 1975

Mr. M. Howard Webb
M.H.W. Properties, Inc.
11631 N. W. 7th Avenue
Miami, Florida 33168

Dear Mr. Webb:

I am enclosing herewith Notice/Receipt of taxes due for 1975 on the property you sold to Mr. Daniel Mariani on my behalf.

Will you please forward the Notice to the new owner for payment.

May I request you to acknowledge receipt of this letter and enclosure. Many thanks for your cooperation.

Very truly yours,

A. Philip Randolph

M. H. W. PROPERTIES, INC.
M. HOWARD WEBB - GIOCONDA DEL MONACO WEBB
REGISTERED REAL ESTATE BROKERS
11631 N. W. 7TH AVENUE, MIAMI, FLORIDA 33168 - TELEPHONE (305) 685-6346

November 17, 1975

Mr. A. Philip Randolph
260 Park Avenue South
New York, New York #10010

re: S½ NE¼ SE¼ NE¼, Sec 21/52/33
Collier County, Florida

Dear Mr. Randolph:

In reply to your letter of November 10th, we are returning the 1975 tax bill for the above 5 acres.

In checking our files, we find Mr. Mariani purchased 2½ acres, and therefore is liable for 1/2 of the total taxes ($8.65).

We are writing to Mr. Mariani, requesting that he send you his check for this amount; in the meantime, in order to protect your interest in the balance of the property, we would suggest you make payment for the entire tax assessment, with the anticipation that you will receive reimbursement from Mr. Mariani directly.

The Collier County Tax Assessor closed the 1975 tax rolls in January of this year, which was unusually early; therefore, any Warranty Deeds recorded after January 1, 1975 were not reflected on the 1975 tax rolls; however in November of 1976, Mr. Mariani will receive the tax bill for his 2½ acre parcel directly from Collier County.

Thanking you for your cooperation in this matter, I am

Most sincerely,
M. H. W. PROPERTIES, INC.

Teresa Dragonette
Secretary to:
M. H. WEBB, Reg. Broker

Rtld
encls

BETTER BUSINESS BUREAU OF SOUTH FLORIDA, INC. Member BBB

M. H. W. PROPERTIES, INC. | Post W Correct Account | Miami, Florida

REGISTERED REAL ESTATE BROKERS
11631 N. W. 7TH AVENUE, MIAMI, FLORIDA 33168 - TELEPHONE (305) 685-6346

January 9, 1975 1976

Mr. A. Philip Randolph
260 Park Avenue South
New York, New York #10010

re: MARIANI - 2½ acres
Section 21/52/33
Collier County, Florida

Dear Mr. Randolph:

Mr. Mariani has forwarded to us his pro-rated share of the 1975 taxes on the above property.

Enclosed is our exchange check #4907 in the amount of $8.65.

Thanking you,

Most sincerely,

M. H. W. PROPERTIES, INC.

M. HOWARD WEBB, Reg. Broker

/tld
encls

COLLIER COUNTY
Naples, Florida 33940

October 5, 1976

Dear Taxpayer:

This leaflet has been prepared with the thought that it will supply information of interest to you. I urge you to take a few minutes to review it.

Real estate in Florida is assessed to the owner of record on January 1 of each year. IF YOU PURCHASED YOUR PROPERTY IN 1976, the tax bill was mailed to the former owner. You should contact that person to obtain the bill.

IF YOU SOLD YOUR PROPERTY IN 1976, you will receive the bill. Please forward it to the new owner in order that he can take advantage of the discounts allowed and prevent penalties for late payment.

In either case, the real estate broker or the attorney who handled the sale will be able to contact the other party.

IF YOUR ADDRESS CHANGES, please notify the COLLIER COUNTY PROPERTY APPRAISER of your new address and a legal description of ALL property that you own in this County.

The County is divided into 41 areas for taxing purposes. A breakdown of the millages levied in each area is shown on the reverse side. The millage in your area can be determined by the "Millage Code" shown in the upper left corner of the enclosed tax bill.

A breakdown of the millages levied by each taxing authority is also shown on the reverse side.

A. P. Ayers
Tax Collector

Tax Rates - 1976 (Dollars per Thousand of Assessed Value)	TAXING DISTRICT									
	1	2	3	4	5	6	7	8	9	10
County	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463
Schools	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000
Cities				3.9524						
Mosquito Control		.4918	.4918	.4918		.4918	.4918	.4918		.4918
Fire Control		1.0000	1.0000		.5761	.0656	1.2500			1.2500
Water Supply/Control					1.0000	.9344				
Beautification/Lighting					.6056					
TOTAL	14.2463	15.7381	15.7381	18.6905	16.4280	15.7381	15.9881	14.7381	14.2463	15.9881

Tax Rates - 1976 (Dollars per Thousand of Assessed Value)	TAXING DISTRICT									
	11	12	13	14	15	16	17	18	19	20
County	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463
Schools	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000
Cities					10.0000					
Mosquito Control	.4918	.4918	.4918	.4918		.4918		.4918	.4918	.4918
Fire Control	1.0000	1.0000	1.2500			.0656	.5761	.0656	1.2500	1.0000
Water Supply/Control				.5030		.9344	1.0000	.9344		.9000
Beautification/Lighting						.4167			.4167	.4167
TOTAL	15.7381	15.7381	15.9881	15.2411	24.2463	16.1548	15.8224	15.7381	16.4048	17.0548

Tax Rates - 1976 (Dollars per Thousand of Assessed Value)	TAXING DISTRICT									
	21	22	23	24	25	26	27	28	29	30
County	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463
Schools	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000
Cities										
Mosquito Control	.4918		.4918		.4918	.4918	.4918	.4918	.4918	
Fire Control	1.0000		1.2500		1.0000	1.0000		1.0000		1.0000
Water Supply/Control							.5030	.9000		.9000
Beautification/Lighting						.4167				
TOTAL	15.7381	14.2463	15.9881	14.2463	15.7381	16.1548	15.2411	16.6381	14.7381	16.1463

Tax Rates - 1976 (Dollars per Thousand of Assessed Value)	TAXING DISTRICT										
	31	32	33	34	35	36	37	38	39	40	41
County	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463	5.4463
Schools	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000	8.8000
Cities											
Mosquito Control	.4918	.4918	.4918					.4918		.4918	
Fire Control	1.0000	1.2500	.0656		1.0000	1.0000	1.0000	.0656	1.0000	1.0000	
Water Supply/Control	.9000		.9344	1.0000				2.9344		.9000	
Beautification/Lighting		.4167	.4167								
TOTAL	16.6381	16.4048	16.1548	15.2463	15.2463	15.2463	15.2463	17.7381	15.2463	16.6381	14.2463

NOTICE/RECEIPT OF TAXES DUE FOR YEAR 1976— COUNTY OF COLLIER

21-52-33-070.00

NR	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	ADV AMT
	10.97	11.09	11.20	11.32	11.43	14.17	2.40

PENALTY 0.34

MAKE CHECKS PAYABLE TO:
A.P. AYERS
TAX COLLECTOR
COLLIER CNTY COURTHOUSE
NAPLES FL 33940

0	0	35	* REAL ESTATE *		*RATE*
			COUNTY	4.08	3.4463
			SCHOOL	6.60	5.8000
ASSESS		750	DSTRCT	.75	1.0000
NON-EX		750	TOTAL	11.43	

A PHILIP*RANDOLPH
280 9TH AVE
NEW YORK NY 10001

21 52 33 N1/2 OF N1/2 OF NE1/4 OF SE1/4 OF NE1/4 2.5 AC OR 200 PG 29

9390 NV22% 10.97

3

PG 02352 LN 120 0

(PLEASE TURN OVER) THIS TAX NOTICE BECOMES A RECEIPT WHEN VALIDATED BY TAX COLLECTOR

NOTICE/RECEIPT OF TAXES DUE FOR YEAR 1976— COUNTY OF COLLIER

21-52-33-025.00

NR	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	ADV AMT
	18.30	18.49	18.68	18.87	19.06	21.43	1.80

PENALTY 0.97

MAKE CHECKS PAYABLE TO:
A.P. AYERS
TAX COLLECTOR
COLLIER CNTY COURTHOUSE
NAPLES FL 33940

0	0	35	* REAL ESTATE *		*RATE*
			COUNTY	6.81	5.4463
			SCHOOL	11.00	8.8000
ASSESS		1250	DSTRCT	1.25	1.0000
NON-EX		1250	TOTAL	19.06	

A PHILIP*RANDOLPH
280 9TH AVE
NEW YORK NY 10001

21 52 33 N1/2 OF SW1/4 OF NE1/4 OF SE1/4 5 AC.

9391 NV22% 18.30

3

PG 02350 LN 060 3

(PLEASE TURN OVER) THIS TAX NOTICE BECOMES A RECEIPT WHEN VALIDATED BY TAX COLLECTOR

If you have sold any of the property assessed to you, PLEASE FORWARD THE "TAX NOTICE-RECEIPT" TO THE NEW OWNERS OR RETURN TO SENDER.

Please verify description of property. If any errors are found on this "Tax Notice-Receipt" notify the County PROPERTY APPRAISER as soon as possible. This "Tax Notice-Receipt" covers taxes for the calendar year as described hereon.

Please mail or bring this "Tax Notice-Receipt" with your remittance, and PLEASE DO NOT STAPLE, TEAR, FOLD, DETACH OR WRITE on same. The law provides the following schedule of discounts which have been computed for you:

4% if paid in November	2% if paid in January
3% if paid in December	1% if paid in February

Taxes are due November 1 and become delinquent April 1, at which time the law imposes the following penalties:

REAL ESTATE – 3% plus advertising
PERSONAL PROPERTY – 1½% per month plus advertising and fees

Tax Sale Certificates will be sold on all unpaid real estate items on or before June 1st. Tax Warrants will be issued on all unpaid personal property taxes pursuant to Section 197.086, F.S. (1976).

This "Tax Notice-Receipt" becomes a receipt only when validated by the collector's office and the actual transfer of funds is completed.

DISCOUNTS AND PENALTIES ARE DETERMINED BY POSTMARK OF PAYMENT.

Checks Credited Subject to Payment

If you have sold any of the property assessed to you, PLEASE FORWARD THE "TAX NOTICE-RECEIPT" TO THE NEW OWNERS OR RETURN TO SENDER.

Please verify description of property. If any errors are found on this "Tax Notice-Receipt" notify the County PROPERTY APPRAISER as soon as possible. This "Tax Notice-Receipt" covers taxes for the calendar year as described hereon.

Please mail or bring this "Tax Notice-Receipt" with your remittance, and PLEASE DO NOT STAPLE, TEAR, FOLD, DETACH OR WRITE on same. The law provides the following schedule of discounts which have been computed for you:

4% if paid in November	2% if paid in January
3% if paid in December	1% if paid in February

Taxes are due November 1 and become delinquent April 1, at which time the law imposes the following penalties:

REAL ESTATE – 3% plus advertising
PERSONAL PROPERTY – 1½% per month plus advertising and fees

Tax Sale Certificates will be sold on all unpaid real estate items on or before June 1st. Tax Warrants will be issued on all unpaid personal property taxes pursuant to Section 197.086, F.S. (1976).

This "Tax Notice-Receipt" becomes a receipt only when validated by the collector's office and the actual transfer of funds is completed.

DISCOUNTS AND PENALTIES ARE DETERMINED BY POSTMARK OF PAYMENT.

Checks Credited Subject to Payment

Sept '76

Association of Big Cypress Owners, inc.

(A non-profit association)

11631 N.W. 7th AVENUE • MIAMI, FLORIDA 33168 • TELEPHONE (305) 685-6346

My name is Howard Webb.

I have sold more land in the Big Cypress area of Florida than any other living man. Within this area is the land you and I own that the Government wants to buy for as little as $225.00 per acre, even though prices paid were $500.00 to $700.00 per acre in recent years.

I say the Government is pulling the biggest rip-off in land condemnation history. And, I'm fighting them.

I'm fighting through ABCO, the Association of Big Cypress Owners. Join ABCO to get a decent price for your land, especially now that OIL has been found in the area.

Yes, OIL has been found, and notwithstanding the fact that oil rights can be retained, the Government still wants to pay you ridiculously low prices for your land. They say they are condemning your land for ecological and recreational reasons. But they let the giant oil companies pump oil and they let them build roads in the Big Cypress to get to their wells. Ecology? Bunk!

ABCO knows how to fight government. When the Jetport was proposed for a small part of the Big Cypress a few years ago, Government Authority paid peanuts for the land they bought from helpless individuals. Those who joined me got substantially higher settlements.

Now you can join me by joining ABCO for $25.00. Annual dues are only $25.00. ABCO has the professional personnel, the legal talent and the know-how to get you the highest price for your land. And when you do sell, at a price satisfactory to YOU, ABCO will make sure you retain the oil and gas rights under your land.

Anyone who sells at the prices the Government is paying is a loser. He's a loser because he's alone, and can't fight back. Don't YOU be a loser. You don't have to be a loser, Join us!

Detach the bottom portion of the enclosed Membership Agreement and mail it today with your check. We'll send you a questionnaire by return mail, on which you will be able to give ABCO the legal description of your land, and other pertinent and important information.

We'll be speaking for thousands of Big Cypress land owners, and the Government will listen. And they'll back down and pay a fair price. The one thing Government can't take is pressure from decent people. Alone, they'll ride herd over you. With us, you'll be a winner. You can be hundreds, even thousands of dollars ahead with ABCO. Mail your membership today!!!

Sincerely,
ASSOCIATION OF BIG CYPRESS OWNERS, INC.

M. HOWARD WEBB, Director

MHW:tld - encls

Milton R. Wasman
Attorney & Counselor at Law

Suite 232
119 E. Flagler Street
Miami, Florida 33131
358-2360

September 13, 1976

Association of Big Cypress Owners, Inc.
11631 N.W. 7th Avenue
Miami, Florida 33168

Gentlemen:

It is an appropriate time to bring you and the other members up to date on the activities of the legal staff. Subsequent to the institution of the class action suit against the United States Government, including the Secretary of the Department of Interior and the Acquisition Personnel, to prevent the harassment of the owners of the property in the Big Cypress National Preserve, we have discussed with the Congressional representatives a feasible method of having the Government recognize the real and actual market value of the lands in the Big Cypress National Preserve.

It is anticipated that the class action suit in the Federal Courts should result in a resolution of the question of what market values the Government will have to use in determining the owners' property values. Within the next three weeks preliminary hearings on this matter should be held and we anticipate satisfactory progress.

The first of the condemnation suits against members has been commenced. These owners refused $225.00 per acre as a final offer. We are preparing to attack the valuation methods of the Department of Interior's acquisition people and to establish the fact that the owners are competent and knowledgeable owners of land who are really familiar with their property and its uses and value. We disagree with the Government's proposition that the owners are not knowledgeable as to value or useability of their land.

It would seem that the political aspect of this matter, i.e., the effect upon the administrative and legislative personnel of the Government, would be substantially enhanced if the membership becomes very large. It is a simple proposition: The more people involved in the activity, the more likely it is that greater consideration will be given to the problem.

Please keep either Mr. Soman or myself informed with an up-to-date membership list so that we can make every effort to obtain for your members the best possible price.

Cordially,

MILTON R. WASMAN

MRW:p

Association of Big Cypress Owners, inc.

(A non-profit association)

11631 N.W. 7th AVENUE • MIAMI, FLORIDA 33168 • TELEPHONE (305) 685-6346

MEMBERSHIP AGREEMENT

The undersigned owner of property in the Big Cypress National Preserve hereby applies for membership in the Association of Big Cypress Owners, Inc., hereinafter referred to as ABCO.

The owner and ABCO agree that this membership agreement becomes binding and valid for both parties in accordance with the provisions contained herein upon payment by an owner of the Charter Membership Fee as provided in the FEES/DUES SCHEDULE.

It is also agreed by the owner-member and ABCO that:

1. ABCO becomes the agent for the owner-member in matters relating to the acquisition of the owner-member's land in the Big Cypress National Preserve by the U.S. Dept. of the Interior or any other U.S. Government agency.
2. The owner-member appoints ABCO and all representatives of ABCO, including specifically ABCO's attorneys, to act for and on behalf of him and/or ABCO in all dealings with the acquisition personnel of the U.S. Government, commencing on this date and continuing until settlement with the U.S. Government.
3. The owner-member and ABCO agree that the obligation to ABCO shall be limited to the membership fee and the annual dues as provided for on this Membership Agreement and that no other costs, expenses or liabilities shall or can be charged to the owner-member.
4. ABCO, at its own expense, will provide the services of attorneys and appraisers as it may deem advisable in connection with negotiations and/or litigation with or against the U.S. Government in connection with any action taken to enhance the position of the owner-member and ABCO for the purpose of obtaining a fair and reasonable market price for the owner-member's property.
5. The final approval of a sale price of the owner-member's property with the U.S. Government agency involved must first be approved by and is subject to the acceptance of the individual owner-member.
6. The owner-member will be kept informed in writing of ABCO's activities with the acquisition personnel of the U.S. Government, particularly whenever there may be any important activity in connection with the owner-member's property.

It is the intent, purpose and responsibility of ABCO to actively and aggressively protect the owner-members; to make every effort to establish the full and fair market value of the land under acquisition by the U.S. Government; to represent the owner-members through professional personnel employed in connection with legal proceedings; to represent the owner-member in defense of any condemnation proceeding or other action taken against their property by the U.S. Government.

*The Charter Membership Fee and the annual dues are the same for all owner-members regardless of the amount of acreage owned.

FEES / DUES SCHEDULE

Charter Membership Fee	$25.00
First Year's Dues	$25.00
Annual Dues Until Settlement	$25.00

For your convenience ABCO has set up two types of Charter Memberships and first year's dues payment plans.

1. Send your check for $25.00 with your Charter Membership coupon below . . . and mail your check for the first year's dues ($25.00) within six months.

— or save 10% —

2. Send your check for $45.00 with your Charter Membership coupon . . . and you will be paid up for a full year.

NEGOTIATION

10% of the negotiated sales price approved by you shall be paid to ABCO by the owner-member as legal fees and expenses upon setlement of a negotiated sale.

JURY AWARD

15% shall be paid to ABCO by the owner-member as legal fees and expenses upon final jury award by the Court in Condemnation Proceedings.

Owner-members shall be fully credited with all dues paid under either of the aforementioned settlements.

Date_____

M. Howard Webb, President

SI UD. DESEA UNA COPIA DE ESTE ACUERDO EN ESPANOL, POR FAVOR PONGA SU MARCA AQUI ☐

Association of Big Cypress Owners, inc.

Date_____

(A non-profit association)

11631 N.W. 7th AVENUE • MIAMI, FLORIDA 33168 • TELEPHONE (305) 685-6346

I understand that as soon as you receive this coupon and my check I will be an owner-member of ABCO in accordance with the terms of my Charter Membership Agreement.

I am enclosing my check for $_____ in accordance with ABCO's payment plan as outlined above.

_____ _____

Owner-member signature (Print or type name of owner-member, relationship)

_____ _____

Owner-member signature (Print or type name of owner-member, relationship)

Address_____

City _____ State _____ Zip _____

Telephone ( ) _____ Date _____

Area Code

FIRST CLASS
PERMIT No.10374
MIAMI,
FLORIDA

BUSINESS REPLY MAIL
No postage necessary if mailed in the United States

POSTAGE WILL BE PAID BY

Association of Big Cypress Owners, inc.

11631 N.W. 7th Avenue,
Miami, Florida [redacted] 33168

NEWSPAPER HEADLINES TELL THE STORY

THE BIG CYPRESS

How the Park Service Buys Prime Florida Swampland

By MIKE TONER
Herald Environment Writer

A light haze of cigaret smoke fills the room on the third floor of a modern office building in Naples. It is after 10 p.m. The lights are on and [illegible] lines to the West Coast telephones work for the National Park Service.

And they are not selling land. They are buying it — slowly assembling the pieces of one of the newest units of the nation's park system, the 570,000-acre Big Cyp[illegible]

In an effort to head of further destruction of the swamp, the park service now plans to make a flurry of strategically located purchases designed to secure most of the large tracts road-front property within th[illegible]

[illegible] Hearst is escorted to a Los Angeles [illegible] courtroom, where, in a 10-minute hearing, she [illegible] ordered at the end of her ban[illegible] robbery trial in San Francisco.

Compromise Bill May Speed Purchases in Big Cypress

By DAVID HESS
Herald Washington Bureau

WASHINGTON — House and Senate conferees agreed Monday to triple the size of the federal land and water conservation fund, paving the way for a sharp speed-up in purchases of park and recreation lands, including sites in Florida's Cypress National Preserve.

If the bill is signed by President Ford, it also could accelerate land purchases for such parks as Cuyahoga Valley National Recreation Area in Ohio, Sleeping Bear Dunes National Lakeshore in Michigan and Big Thicket National Preserve in Texas.

At the same time, the conferees established a special fund for historic-preservation projects in a move that could save thousands of old buildings that otherwise might be destroyed.

A JUBILANT Sen. J. Bennett Johnston, Jr. (D., La.), chief Senate sponsor of the bill, said, "The country must make a strong commitment to recreation and preservation. This bill goes a long towards that end."

Rep. John F. Seiberling (D-Ohio), chief House [illegible] bill, said it, "will move toward

[illegible] It Might Fail"

[illegible] Fretted

Oil Firms Asking 17 Wells, 11-Mile Road in Big Cypress

By MIKE TONER
Herald Environment Writer

Oil exploration in the Big Cypress Swamp is undergoing an unexpected spurt of activity as the dry season makes the area more accessible to seismic crews and drilling rigs.

After more than a year of moderate interest in the swamp, the oil industry's attention to the Big Cypress is suddenly showing a marked increase.

Six companies will ask the Cabinet next week for ap[illegible] 17 new oil wells.

[illegible] the largest pro[illegible] fields, is seeking

prospective drilling sites.

Federal and state officials say the increase in activity — focused chiefly in the 570,000-acre portion of the swamp that is earmarked for federal acquisition — appears spurred by two factors:

- The near Bear Island oilfield, which lies immediately northwest of the acquisition area, is proving to be far more productive than first expected when it was discovered three years ago.
- And the National Park Service, which is purchasing the land for the Big Cypress National Preserve, is preparing to impose new regulations on exploration and drilling as the land is purchased.

[illegible] expanding the [illegible] last year

most in a string of Southwest Florida well fields, some geologists believe that there may be new fields waiting to be discovered along a line stretching from the Bear Island field to Forty-Mile Bend on the Tamiami Trail.

IT IS ALONG that line, which cuts directly across the Big Cypress preserve, that most of the new wildcat oil exploration is being directed.

Some officials think that the companies may be aiming to complete the bulk of their exploration before the land comes under federal ownership.

"Some of the companies may see an advantage to getting in there and getting their work done [illegible]

time this Saturday. As proposed they would require federal permits for all exploration and drilling, with required bonds of as much as $100,000 for companies that want to work in the swamp.

BUT THE OIL companies say their haste in exploring the rugged swamp country has more to do with simple economics than the threat of additional regulations.

"We're already about as closely regulated by the state as we can be; there's no advantage to us in completing our work before the government moves in," a spokesman for Exxon said in New Orleans.

"Any urgency we feel is a matter of [illegible]

Wednesday, July 21, 1976 THE MIAMI HERALD 13-A

Cabinet Approves Road in Big Cypress

By ROBERT D. SHAW Jr.
Herald Capital Bureau

TALLAHASSEE — Disregarding an elderly environmentalist's appeal to "don't let's hurry so much," the Florida Cabinet voted unanimously [illegible] to allow the Exxon Corp. [illegible] 11-mile access road [illegible] Cypress Swamp.

[illegible] approved the Askew interrupted opponents of the drilling several times to remind them that the Cabinet had little choice but to allow the oil drilling since the federal government decided not to purchase mineral rights when Congress voted in 1975 to acquire the 570,000 acre watershed in southwest Florida.

THE ACCESS road is needed so Exxon can begin drilling two ex[illegible] wells northwest [illegible]

And both Duden and the Cabinet rejected a plea by Jack Starke, superintendent of the Everglades National Park and project manager of the Big Cypress Preserve, who said the Department of the Interior "would prefer to have no roads at all until we finish our master plan for the area."

But since that plan — a comprehensive assessment of the area with recommendations for its intended use — may not be finished for two or three years, Starke said he reluctantly approved the temporary road. But if oil is found, he said [illegible] Cabinet should aw[illegible]

Industry, Ecologists Clash: Issue Is Big Cypress Oil

By MIKE TONER
Herald Environment Writer

[illegible] debate over the Big Cypress Swamp — and the oil that lies beneath its surface — is about to flare [illegible] confrontation between conservationists and the oil industry.

[illegible] recent weeks, the issue of oil and how to get it [illegible] newly created 570,000-acre Big Cypress Na[illegible] slowly forced that watery South[illegible] back into [illegible] national spot[illegible]

FROM PAGE 1

than just another spat between traditional conservationists and the oil industry.

five-year honeymoon between oil

Big Cypress Land Acquisition Is Over One-Third Complete

By MIKE TONER
Herald Environment Writer

...tion of the Big Cypress ... lion already committed to the purchase of private lands in the Big Cypress. $22 million in federal ... propriated for ...

"We're satisfied that we are making good progress, but at the rate we are closing on property, ... ap-

which the Park Service says it has completed acquisition represents more than 36 per cent of the preserve's total acreage, the most difficult work still remains.

... land ...

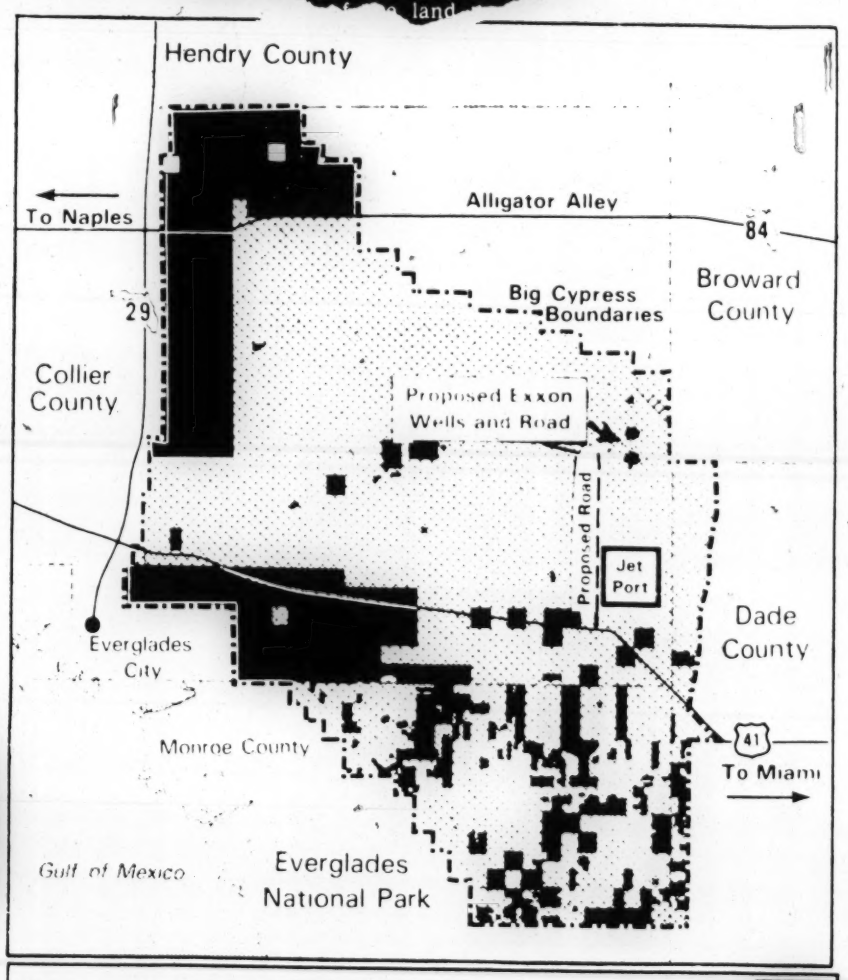
Shields Still Supports Big Cypress Oil Road, He Says After Tour

By FRANK DAVIES
Herald Staff Writer

The state Cabinet is heading toward a showdown on whether an 11-mile access road into the heart of the Big Cypress Swamp should be built, and Natural Resources Director Harmon Shields said Monday he still supports the proposal.

... just west of the Collier County-Dade County line. The company received permits for the two wells earlier this year, and is seeking approval for a third.

Several conservation groups, fearing a severe environmental impact from the road, are considering lawsuits to block the road if the Cabinet approves the project.



Tracts Purchased Or Optioned 40 Acres And Over

Monday, July 12, 1976

Ecology-Oil Fight Near on Big Cypress Swamp

The Florida Cabinet agreed ... May to withhold approval ... road until alternate routes could be studied, but the two-month cooling-off period has actually led to a hardening of the battle lines.

M. H. W. PROPERTIES, INC.
M. HOWARD WEBB - GIOCONDA DEL MONACO WEBB
REGISTERED REAL ESTATE BROKERS
11631 N.W. 7TH AVENUE, MIAMI, FLORIDA 33168 - TELEPHONE (305) 685-6348

November 19, 1976

Dear Mr. Philip Randolph:

As you may be aware, the Big Cypress National Preserve was established by Public Law 93-440 on October 11, 1974, and for your information, we are enclosing a map showing the area this encompasses, together with a broad aspect of the acquisition program, as outlined by the United States Department of the Interior.

Under the circumstances, we find it impossible to sell lands in this acquisition area; therefore, you are, as of this date, released from any sales agreement which we may have with you.

In the near future, you will receive information on Association of Big Cypress Owners, Inc., which will offer to represent you in all negotiations with the Federal Government.

In the event we can be of further service to you, please do not hesitate to so advise us.

Most sincerely,

M. H. W. PROPERTIES, INC.

M. HOWARD WEBB, Reg. Broker

MHW:tld
encls

THE FOLLOWING DOCUMENTS ARE PHOTOCOPIES.

THE ORIGINALS ARE NOT IN THE A. PHILIP RANDOLPH COLLECTION AT

THE LIBRARY OF CONGRESS

United States Department of the Interior

NATIONAL PARK SERVICE
BIG CYPRESS NATIONAL PRESERVE
Land Acquisition Office
Post Office Box 1515
Naples, Florida 33940

IN REPLY REFER TO:

Mar 24, 1978

Mr. A. Philip Randolph
280 - 9th Avenue
New York, New York 10001

Re: Tract No. 616-29 & 618-14

Dear Mr. Randolph:

We are in a position to complete closing and payment for the above tract. Your check and executed closing documents will be forwarded to our closing agent who will check the records, determine the amount of taxes to be paid, and approve the state of your title for closing. Closing will be accomplished by mail. Enclosed for your execution are the following:

1. Warranty Deed. Please execute this deed according to the attached instructions. The Warranty Deed indicates that you are/~~are not~~ reserving all of your oil and gas rights.

2. Affidavits. This covers occupancy, mechanic's liens, and authority as to closing costs.

Please furnish us your 1977 tax notice or tax receipt, if available, for this land. Identify the tax notice/receipt with the above TRACT NUMBER. If you do not have a tax receipt but have paid the 1977 taxes, include a note to this effect or a copy of the cancelled check.

PLEASE SIGN YOUR NAME(S) ON THE DEED EXACTLY AS TYPED. Also, please be sure all other information is completed by the notary on both the deed and affidavits, such as state, county, expiration date, etc. PLEASE RETURN ALL DOCUMENTS INTACT. DO NOT REMOVE ANY PAGES.

Please return these documents within 15 days from the date of this letter. If for any reason you are unable to meet this time limit, please advise us either by mail or by phone before the 15 days have elapsed.

Please return all the executed documents in the postage-free envelope. Your cooperation will be appreciated.

Sincerely,

Roland A. Rossiter

Roland A. Rossiter
Chief, Title and Closing Division

National Park Service
Big Cypress National Preserve: Project
P. O. Box 1515
Naples, Florida 33940

Tract Number(s) 616-29 & 618-14

The term "GRANTOR" includes masculine, feminine, singular and/or plural parties.

THIS INDENTURE, made this 30th day of March 19 78, between

A. PHILIP RANDOLPH
280 - 9th Avenue
New York City, New York 10001

, GRANTOR, and THE UNITED STATES OF AMERICA, of Washington, D. C., GRANTEE, WITNESSETH, THAT in consideration of the sum of

TWO THOUSAND FOUR HUNDRED and NO/100 ---------- DOLLARS ($ 2,400.00)

the receipt and sufficiency of which are hereby acknowledged, the said GRANTOR has granted, bargained and sold to the GRANTEE and its assigns forever, in fee simple, all of the following land, situate, lying and being in the COUNTY OF Collier , STATE OF FLORIDA, to wit:

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

See Schedule "B" attached hereto and made a part hereof.

The above described land is being acquired for the use and benefit of the United States by the National Park Service of the Department of the Interior.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining to the proper use and benefit of the said GRANTEE and its assigns, forever, in fee simple, free and clear from all liens and encumbrances; and, the GRANTOR releases and quitclaims unto the GRANTEE and its assigns all the right, title and interest, legal or equitable, which the GRANTOR may have in the banks, beds and water of any streams opposite to or fronting upon said land, including all littoral and/or riparian rights incident thereto and in alleys, roads, streets, ways, strips, gores or railroad rights-of-way abutting or adjoining said lands, and in any means of ingress and egress appurtenant thereto.

If the land herein conveyed is located in an area that has not been officially surveyed by the United States, the location of boundary lines and the acreage intended to be conveyed may be estimates only. Then, and in such event, the GRANTOR shall not be liable for any deficiency, nor the GRANTEE liable for any excess acreage such as an official survey might disclose. The GRANTOR releases and quitclaims unto the GRANTEE and its assigns, all the right, title and interest which the GRANTOR may have in any such excess acreage.

SUBJECT, HOWEVER, to existing easements for public roads and highways, public utilities, railroads, pipelines and mineral, gas and oil interests of record outstanding in third parties.

GRANTOR reserves his oil and gas rights.

TO HAVE AND TO HOLD the premises herein granted and conveyed unto the GRANTEE and its assigns forever.

AND SAID GRANTOR does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

TRACT DATA

Name and address of purported owner: RANDOLPH, A. Philip
280 9th Ave., New York, NY 10001

Legal Description: County of COLLIER 201/29

TALLAHASSEE MERIDIAN

T. 52 S., R. 33 E., Sec. 21 $N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$.

SCHEDULE "A" $800.00

Name and address of purported owner: RANDOLPH, A. Philip
280 9th Ave., New York, NY 10001

Legal Description: County of COLLIER 128/183

TALLAHASSEE MERIDIAN

T. 52 S., R. 33 E., Sec. 21 N½SW¼NE¼SE¼.

SCHEDULE "B" $1,600.00

Bayard Rustin — A. Philip Randolph (SEAL)
WITNESS #1 — A. PHILIP RANDOLPH

Bernice G. Wiles
WITNESS #2

_____ (SEAL)
WITNESS #1 — _____

WITNESS #2

_____ (SEAL)
WITNESS #1 — _____

WITNESS #2

_____ (SEAL)
WITNESS #1 — _____

WITNESS #2

STATE OF New York
COUNTY OF New York

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared

A. PHILIP RANDOLPH

to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that he executed same.

WITNESS my hand and official seal in the County and State last aforesaid this 30 day of March, 19 78

PLACE SEAL HERE

William E. Hafer
NOTARY PUBLIC

My Commission Expires:

WILLIAM E. HAFER
Notary Public State of New York
No. 4652295
Qualified In New York County
Commission Expires March 30, 1979

STATE OF New York
COUNTY OF New York

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared

to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that I executed same.

WITNESS my hand and official seal in the County and State last aforesaid this 30 day of March, 19 78

PLACE SEAL HERE

William E. Hafer
NOTARY PUBLIC

Tract No. 616-29, 618-14

KNOW ALL MEN BY THESE PRESENTS:

That I or we, the undersigned, whether one or more, being first duly sworn, on oath state that we are the owners of the following described lands situated in the County of Collier, State of Florida, to-wit:

See legal description attached hereto and made a part hereof.

Any and all personal property in or on said premises which is included in the purchase price is free of any and all encumbrances, filed or unfiled, recorded or unrecorded, including, but not limited to, any Financing Statement under the Uniform Commercial Code.

We further certify that there is no adverse occupancy of said lands; that there are no unrecorded options to purchase, sales contracts or lease agreements other than oil, gas, and mineral agreements outstanding in third parties, affecting said property; and that there have been no improvements made thereon during the past one year for which a mechanic's or materialman's lien may be filed.

We further certify that any structure or shelters for use or habitation that may be found on said premises that are not specifically listed in this contract as my property are unauthorized and are an illegal trespass; and this is not a homestead.

We further authorize the closing agent to pay all closing costs that are reimbursable under Section 303, Public Law 91-646, in connection with the purchase by the National Park Service of said tract. We understand that payment of said closing costs does not preclude us from applying for other benefits provided by Public Law 91-646.

A. Philip Randolph

A. PHILIP RANDOLPH

280 Ninth Avenue

New York, N.Y. 10001

Subscribed and sworn to before me, a Notary Public, on this 30th day of March, 19 78.

SEAL

William E. Hopkins

Notary Public

My Commission Expires:

Name and address of purported owner:
280 9th Ave., New York, NY 10001

RANDOLPH, A. Philip

Legal Description:

County of COLLIER 201/29

TALLAHASSEE MERIDIAN

T. 52 S., R. 33 E., Sec. 21

N½S½NE¼SE¼NE¼.

Name and address of purported owner: RANDOLPH, A. Philip
280 9th Ave., New York, NY 10001

Legal Description: County of COLLIER 128/183

TALLAHASSEE MERIDIAN

T. 52 S., R. 33 E., Sec. 21 N½SW¼NE¼SE¼.

COUNTY OF New York

Tract No. 612-23, ...

KNOW ALL MEN BY THESE PRESENTS:

That I or we, the undersigned, whether one or more, being first duly sworn, on oath state that we are the owners of the following described lands situated in the County of Collier, State of Florida, to-wit:

See legal description attached hereto and made a part hereof.

Any and all personal property in or on said premises which is included in the purchase price is free of any and all encumbrances, filed or unfiled, recorded or unrecorded, including, but not limited to, any Financing Statement under the Uniform Commercial Code.

We further certify that there is no adverse occupancy of said lands; that there are no unrecorded options to purchase, sales contracts or lease agreements other than oil, gas, and mineral agreements outstanding in third parties, affecting said property; and that there have been no improvements made thereon during the past one year for which a mechanic's or materialman's lien may be filed.

We further certify that any structure or shelters for use or habitation that may be found on said premises that are not specifically listed in this contract as my property are unauthorized and are an illegal trespass; and this is not a homestead.

We further authorize the closing agent to pay all closing costs that are reimbursable under Section 303, Public Law 91-646, in connection with the purchase by the National Park Service of said tract. We understand that payment of said closing costs does not preclude us from applying for other benefits provided by Public Law 91-646.

A. Philip Randolph

A. PHILIP RANDOLPH

280 Ninth Avenue

New York, N.Y. 10001

Subscribed and sworn to before me, a Notary Public, on this 30th day of March, 19 74.

WILLIAM E. HAIER

SEAL

Name and address of purported owner:
280 9th Ave., New York, NY 10001

RANDOLPH, A. Philip

Legal Description:

County of COLLIER 201/29

TALLAHASSEE MERIDIAN

T. 52 S., R. 33 E., Sec. 21

N½S½NE¼SE¼NE¼.

Name and address of purported owner: RANDOLPH, A. Philip
280 9th Ave., New York, NY 10001

Legal Description: County of COLLIER 128/183

TALLAHASSEE MERIDIAN

T. 52 S., R. 33 E., Sec. 21 $N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$.

THE FOLLOWING DOCUMENTS ARE PHOTOCOPIES.

THE ORIGINALS ARE NOT IN THE A. PHILIP RANDOLPH COLLECTION AT

THE LIBRARY OF CONGRESS

Sr Space Copy

United States Department of the Interior

NATIONAL PARK SERVICE
BIG CYPRESS NATIONAL PRESERVE
Land Acquisition Office
Post Office Box 1515
Naples, Florida 33939

IN REPLY REFER TO:

OFFER TO PURCHASE
Tract No. 616-29

FEB 13 1978

$320 per acre
2½ acres

Mr. A. Philip Randolph
280 9th Ave.
New York, NY 10001

Dear Mr. Randolph:

Property is now being purchased for the Big Cypress National Preserve. Records show that you own the following described land:

See Page 3, Tract Data Sheet, attached hereto and made a part hereof.

This letter is an offer by the United States of America to purchase your property for $ 800.00 , which is the amount established as just compensation after analyzing sales of similar properties, the date of such sales, price , location, and other factors.

If acceptable, please sign your name(s) on Page 2 and return all three original pages within 30 days in the enclosed envelope. If not signed and returned within 30 days, this offer may be voided by the United States of America. Your signature(s) will make this letter a contract binding upon both you and the United States of America in the above amount for the sale of the land on the terms included herein. Upon receipt, a deed will be prepared and sent to you for your signature(s) conveying the land to the United States of America.

After we have received and approved your deed, you will receive payment, including an allowance for your notary fees and appropriately adjusted for real property taxes.

All terms and conditions of this contract are contained herein and no verbal agreements shall be valid unless approved in writing by both you and the United States of America. This contract shall be binding upon your heirs, administrators, executors, successors, and assigns. No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to or share any part of this contract, or any benefits that may arise therefrom.

The land will be purchased subject to the following rights outstanding in third parties: Existing easements for public roads and highways, public utilities, railroads, and pipelines, and rights, if any, of third parties in oil, gas and minerals, as excepted, reserved or conveyed in prior instruments of record; and those rights outstanding in third parties that can be administratively waived.

The deed you will execute will be based upon the usual form of warranty deed used in Florida and will convey fee simple title free and clear of all liens and encumbrances except such as the United States of America can waive. The acreage set forth above in the land description is an estimate only, and it is agreed that the United States of America will not be liable for any excess and that you will not be liable for any deficiency that might later result from an official survey

Title to the land must be approved by the Attorney General of the United States or his delegate. Should judicial proceedings be necessary to clear the title to the land, the sum stated herein shall be stipulated to by you in such judicial proceedings as the value of the land.

If you require additional information, you may call Mrs. Barbara Harmon collect station-to-station at (813) 262-2771 between 7:45 a.m. and 4:30 p.m., Monday through Friday.

We appreciate your cooperation.

Sincerely yours,

James P. Sewell
Land Acquisition Officer

✓( )Check here if you wish to reserve oil and gas rights which you may own. The deed to be sent to you will be prepared accordingly.

We, as the owner(s) and seller(s) of the land described herein, hereby accept the foregoing offer to purchase this 21 day of FEBRUARY, 1978, and agree to sell in accordance therewith.

A. Philip Randolph Owner

A. Philip Randolph

_____ Spouse

Same

BIG CYPRESS NATIONAL PRESERVE Tract No. 616-29

TRACT DATA Acres 2.50

$800.00

Name and address of purported owner: RANDOLPH, A. Philip
280 9th Ave., New York, NY 10001

Legal Description: County of COLLIER 201/29

TALLAHASSEE MERIDIAN

T. 52 S., R. 33 E., Sec. 21 N½S½NE¼SE¼NE¼.

Date 9/28/77

THE FOLLOWING DOCUMENT IS A PHOTOCOPY.

THE ORIGINAL IS NOT IN THE A. PHILIP RANDOLPH COLLECTION AT

THE LIBRARY OF CONGRESS

INSTRUCTIONS FOR EXECUTION OF DEED

In order to have a valid deed under the laws of the State of Florida, please follow these instructions carefully.

1. Appear personally before a Notary Public and sign your name as it is written on the instrument and acknowledge execution or make oath thereto as the case requires. The notary will fill out the date, etc., and sign his name and official title. If the notary acknowledgment is taken by a notary not having a seal, a clerk's certificate or prothonotary certificate must be attached to the acknowledgment attesting to the authority of the notary to take acknowledgments.*

2. In the event one of the parties to the instrument is married and the spouse is a grantee (owner) on the last deed of record, or if a homestead is involved, both the husband and wife must sign the deed and appear before a notary public to acknowledge the execution of the instrument in compliance with the terms of the acknowledgment.

3. The notary public must affix his official seal and note the date of the expiration of his commission ~~(if he is to comply with seal requirements)~~.

4. Two witnesses are required for the signature of each party. The same two witnesses can act for any number of parties who sign concurrently. In the event all parties do not sign in the presence of the same two witnesses, additional witnesses should be added to meet the above requirements. The notary can act as one of the two witnesses provided he signs in such capacity in the spaces indicated to the left of the grantors' signatures.

5. Foreign countries. If the acknowledgment is made in a foreign country, it may be made before any notary public of such foreign country having an official seal or before any ambassador, envoy, minister, consul, consular agent, or other diplomat or consular officer of the United States appointed to reside in such country, and the certificate of acknowledgment or proof shall be under the seal of the officer.

*Those states which do not require a notary seal are Connecticut, New Hampshire, New Jersey, New York, Michigan, Rhode Island, and Virginia. If the acknowledgment or proof is made before a notary public who does not have or does not affix a seal, the instrument shall have affixed a certificate by the clerk of a court having a seal, that the notary public is duly authorized by the laws of the state to take acknowledgments or proof of the instrument to which the certificate is affixed, and the clerk's certificate shall have affixed to it his seal.

THE FOLLOWING DOCUMENT IS A PHOTOCOPY.

THE ORIGINAL IS NOT IN THE A. PHILIP RANDOLPH COLLECTION AT

THE LIBRARY OF CONGRESS

Signed Copy

United States Department of the Interior

NATIONAL PARK SERVICE
BIG CYPRESS NATIONAL PRESERVE
Land Acquisition Office
Post Office Box 1515
Naples, Florida 33939

IN REPLY REFER TO:

OFFER TO PURCHASE
Tract No. 618-14

FEB 10 1978

Mr. A. Philip Randolph
280 9th Ave.
New York, NY 10001

Dear Mr. Randolph:

Property is now being purchased for the Big Cypress National Preserve. Records show that you own the following described land:

See Page 3, Tract Data Sheet, attached hereto and made a part hereof.

This letter is an offer by the United States of America to purchase your property for $ 1,600.00, which is the amount established as just compensation after analyzing sales of similar properties, the date of such sales, price , location, and other factors.

If acceptable, please sign your name(s) on Page 2 and return all three original pages within 30 days in the enclosed envelope. If not signed and returned within 30 days, this offer may be voided by the United States of America. Your signature(s) will make this letter a contract binding upon both you and the United States of America in the above amount for the sale of the land on the terms included herein. Upon receipt, a deed will be prepared and sent to you for your signature(s) conveying the land to the United States of America.

After we have received and approved your deed, you will receive payment, including an allowance for your notary fees and appropriately adjusted for real property taxes.

All terms and conditions of this contract are contained herein and no verbal agreements shall be valid unless approved in writing by both you and the United States of America. This contract shall be binding upon your heirs, administrators, executors, successors, and assigns. No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to or share any part of this contract, or any benefits that may arise therefrom.

The land will be purchased subject to the following rights outstanding in third parties: Existing easements for public roads and highways, public utilities, railroads, and pipelines, and rights, if any, of third parties in oil, gas and minerals, as excepted, reserved or conveyed in prior instruments of record; and those rights outstanding in third parties that can be administratively waived.

The deed you will execute will be based upon the usual form of warranty deed used in Florida and will convey fee simple title free and clear of all liens and encumbrances except such as the United States of America can waive. The acreage set forth above in the land description is an estimate only, and it is agreed that the United States of America will not be liable for any excess and that you will not be liable for any deficiency that might later result from an official survey

Title to the land must be approved by the Attorney General of the United States or his delegate. Should judicial proceedings be necessary to clear the title to the land, the sum stated herein shall be stipulated to by you in such judicial proceedings as the value of the land.

If you require additional information, you may call Mr. Gordon Curd collect station-to-station at (813) 262-2771 between 7:45 a.m. and 4:30 p.m., Monday through Friday.

We appreciate your cooperation.

Sincerely yours,

James F. Sewell
Land Acquisition Officer

( )Check here if you wish to reserve oil and gas rights which you may own. The deed to be sent to you will be prepared accordingly.

We, as the owner(s) and seller(s) of the land described herein, hereby accept the foregoing offer to purchase this 21 day of FEBRUARY, 1978, and agree to sell in accordance therewith.

A. Philip Randolph Owner

A. Philip Randolph

_____ Spouse

A. Philip Randolph

BIG CYPRESS NATIONAL PRESERVE Tract No. 618-14

TRACT DATA Acres 5.00

160

Name and address of purported owner: RANDOLPH, A. Philip
280 9th Ave., New York, NY 10001

Legal Description: County of COLLIER 128/183

TALLAHASSEE MERIDIAN

T. 52 S., R. 33 E., Sec. 21 N½SW¼NE¼SE¼.

Pur
Se

Date 9/28/77

HOMEOWNERS TITLE COMPANY

INSURED CLOSINGS
ESCROWS
TITLE INSURANCE

PHONE 774-5440
2277 EAST TAMIAMI TRAIL
NAPLES, FLORIDA 33940

May 1, 1978

A. Philip Randolph
280 9th Avenue
New York, New York 10001

RE: Tract No. 616-29 **File No.** 70613

We have now completed the transaction for the above referenced property.

Enclosed is our Check No. 36993 **in the amount of $**2,389.00 **which represents your net proceeds.**

Thank you for the privilege of assisting in this matter.

Very truly yours,

HOMEOWNERS TITLE COMPANY
Raymond J Morris
Raymond J. Morris
Vice President

RJM/ks

enclosure

National Park Service — OF CYPRESS NATIONAL PRESERVE

PAYMENT AND CLOSING SHEET AND RECEIPT FOR ESCROW PAYMENT CHECK AND FEDERAL CHECK

State: FLORIDA
County: COLLIER
Tract: 616-29 & 618-14
Acreage: 7.50

Name of Vendor: A. Philip Randolph

Address: 280 - 9th Avenue, New York, New York 10001
Phone No.:

Vendor's Attorney:

ITEM	PAYMENTS BY VENDOR	PAYMENTS BY ESCROW AGENT
(XX) Federal Date of Check both Mar 13, 1978	Check Number 42,840,956	Amount $800.00
Penalty costs for prepayment of any pre-existing recorded mortgage entered into in good faith encumbering such real property. (Sec. 303 of Pub. Law 91-646)	42,840,971. BY ESCROW AGENT	$1,600.00
Deed to United States (Notary Fee) (Sec. 303 of Pub. Law 91-646)	BY ESCROW AGENT	
State Revenue Stamps or Recordation Tax (Sec. 303 of Pub. Law 91-646)	BY ESCROW AGENT	
Recording Fee (United States Expense) (Sec. 303 of Pub. Law 91-646)	BY ESCROW AGENT	
Other 303 Costs Namely:	BY ESCROW AGENT	
TOTAL PAYMENTS	XXXX	
Taxes: Delinquent from 19 to 19 (Property Owner's Expense)		XXXX
Pro-Rated Taxes to (Property Owner's Expense) 78 & 79	11.00	XXXX
Vendor's Mortgage		XXXX
TOTAL PAYMENT FROM FEDERAL CHECK		
BALANCE DUE VENDOR (By Escrow Company Check)	2,389.00	

Sec. 303 of Pub. Law 91-646 above, are to be paid by the Escrow Agent at time of closing. Escrow company will be reimbursed at the issurance of the final title policy.

Below is a complete, true and correct account of the disbursement of the balance due the vendor or vendors.

Typed Name of Payee	Date of Check.	Check Number	Amount for Which Drawn
A. PHILIP RANDOLPH	1-27-78	36993	2,389.00
Typed Name of Payee	1-27-78	36994	11.00
Typed Name of Payee			
Typed Name of Payee			

The above is a complete, true and correct account of funds received and disbursed by

of

Name of Escrow Company — Address

and a report of the action taken conducting payment and closing of this transaction.

Date	Typed Name of Closing Agent	Signature of Closing Agent
	HOMEOWNERS TITLE COMPANY	

ASA PHILIP RANDOLPH SUBJECT FILE: Freedom Budget For All — Americans: General — July 1966-67

217 W.125 Street New York 27, N.Y. 666-9510

A. Philip Randolph Institute

July, 1966

A. Philip Randolph, President
Robert W. Gilmore, Treasurer
Bayard Rustin, Executive Director

July 11, 1966

Mr. John Lewis, Chairman
Student Non-violent Coordinating Committee
360 Nelson Street, S.W.
Atlanta, Georgia

Dear John:

You may recall that, at the planning session for the White House Conference "To Fulfill These Rights," I proposed that there be prepared a "Freedom Budget", to set goals within our capabilities for the abolition of poverty in America within ten years and for other inseparable purposes.

Preparation of such a Freedom Budget has now been completed, in cooperation with several outstanding experts in several fields. It is being sent to you under separate cover.

The factual findings, analyses, and national economic policies proposed in this Freedom Budget establish, I am convinced, the proper context in which discussion of the condition and future of the Negro family should proceed. I wish to emphasize, however, that the Freedom Budget is not limited to the plight of the Negro or other minority groups. For example, all Americans will benefit from the abolition of poverty, three-fourths of whose victims are white.

If the Freedom Budget is to be placed on the agenda of the nation, it must have the backing of the civil rights and labor movements, of liberals and religious forces -- in short, of the coalition of conscience represented by the March on Washington and the Citizens Crusade Against Poverty.

As a step in this direction which could have great significance, I am asking you to endorse the Freedom Budget. If you agree, your name will be listed, along with other endorsers, when the Freedom Budget is published.

Manifestly, such endorsement will not only imply detailed acceptance or approval of everything contained in the Freedom Budget, by way of fact, analysis, and policy proposals. We have all had experience enough in such matters to know that unanimous agreement on all points, among those endorsing such a far-reaching endeavor, requires months if not years to achieve. In addition, this process usually results in a

document so watered-down, or so freighted with footnotes and qualifications, that its vigor and central purposes are seriously weakened if not destroyed. Your endorsement would mean only that you are in general sympathy with the broad lines of direction of the Freedom Budget, and with the imperative necessity that the Freedom Budget be introduced into the nationwide discussion of the problems with which it deals. That these will be the limits of your commitment if you should endorse the Freedom Budget is made clear in my Introduction, which will be printed at the beginning of the document. That the factual aspects of the Freedom Budget, and the goals for the future, are reasonable is indicated by the technical note at the end. This note shows that those experts who have been most committed to the purposes and methods which those being asked to endorse the Freedom Budget hold in common are not really far apart as to the detailed findings which underlie the Freedom Budget.

I believe that you will find great value in the Freedom Budget, in that it substitutes a precision examination of what we can afford to do, and what we cannot afford to do without, for mere declarations of worthy aspirations.

Because we are anxious to go to the printer as soon as possible, I hope I may have your reply on the enclosed card without delay.

Sincerely,

APR/jl

A. PHILIP RANDOLPH

SAME letter to all MEMBERS
AFL-CIO EXEC Council

November 3, 1966

Maurice A. Hutcheson, President
United Brotherhood of Carpenters and
Joiners of America, AFL-CIO
101 Constitution Avenue
Washington, D.C.

Dear Brother Hutcheson:

I am happy to send you a copy of the "Freedom Budget for All Americans." I brought the subject to the attention of the Executive Council at our last meeting in Chicago. As you may remember, President Meany asked me to have a copy of the Budget in your hands prior to our Council meeting in November. I am proud to report that it now has the support of the major Protestant, Catholic and Jewish Institutions, of forward looking business leaders, of the most prominent economists and academicians, of students, of intellectuals, and of the civil rights movement.

These forces have not come together to demand help for the Negro alone. Rather, we meet on a common ground of determination that in this the richest and most productive society ever known to man, the scourge of poverty can and must be abolished. The Freedom Budget maintains that these goals cannot be achieved through haphazard, piecemeal efforts. We cannot solve the problems of schools while leaving the slums intact. We cannot train people for jobs when there are no jobs. We need an overall plan of attack, a coordinated mobilization of our natural resources.

Some weeks ago President Meany wrote me and other signers of the Crisis and Committment statement: "The AFL-CIO is dedicated to building the kind of America which will supply the answers to all these problems. Our goal is to provide the schools, provide the jobs, provide the homes, provide the health care, and provide the understanding that it is the poverty and ignorance and despair that are the real root causes of all of America's domestic problems."

The goals of the Freedom Budget are the same as those outlined by President Meany.

Fraternally,

A. Philip Randolph
President

APR/gm
Encl.

February 2, 1967

Matthew Guinan, International President
Douglas L. MacMahon, International Sec'y.-Treas.
Transport Workers Union of America
1980 Broadway
New York, New York

Dear Brothers Guinan and MacMahon:

On behalf of the Executive Board of the Randolph Institute, I want to thank you for your generous contribution to our work.

I am happy to report that since I last wrote to you a number of meetings have been held to discuss the establishment of committees, the organization of mass meetings, the formation of survey procedures, etc., in behalf of the "Freedom Budget for All Americans."

In Philadelphia, recently, an audience of more than 500 people assembled at the local International Ladies Garment Workers Hall to hear Bayard Rustin and Leon Keyserling discuds the Budget. More than 144 prominent Philadelphians (including a number of labor leaders) have agreed to serve on a local Freedom Budget committee.

In Boston we were able to call together, for the first time in many months, a group representing civil rights, labor, and liberal organisations to discuss joint activities in behalf of the Freedom Budget. In California, a group of Young Democrats, sociologists, and labor leaders are holding a mass meeting and conference to develop a Freedom Budget for the Bay Area and Sacramento.

The United States Youth Council has already held one conference and is planning several others in support of the Budget. The NAACP Youth Council is planning similar activities.

The popular edition of the Budget has been completed, and we are planning a distribution of more than 100,000 copies.

Beyond our work in behalf of the Budget, the Institute and its Executive Director, Bayard Rustin, are rapidly becoming known as the leading advocates of, and spokesmen for, a Negro-labor alliance. As part of our campaign to join labor and civil rights issues, Mr. Rustin is debating a representative of the California Chamber of Commerce later this month on Right to Work laws.

Again I want to thank you and the Executive Board of the Transport Workers Union of America for your generous contribution of $1500. I interpret this as a vote of confidence in the work of the Institute, and am very grateful. for it. From time to time we shall send you periodic reports of our activities, especially those in behalf of the "Freedom Budget for All Americans."

There is no doubt in my mind that this continued support by the labor movement will enable us to work moreeffectively to increase the understanding and strengthen the relationship between both our movements.

Fraternally,

A. Philip Randolph
President

APR:jw

February 2, 1967

Paul Hall, President
The Seafarers International Union
of North America, AFL-CIO
675 Fourth Avenue
Brooklyn, New York 11232

Dear Paul,

On behalf of the Executive Board of the Randolph Institute, I want to thank you for your generous contribution to our work,

I am happy to report that since I last wrote to you a number of meetings have been held to discuss the establishment of committees, the organization of mass meetings, the formation of survey procedures, etc., in behalf of the "Freedom Budget for All Americans."

In Philadelphia, recently, an audience of more than 500 people assembled at the local International Ladies Garment Workers Hall to hear Bayard Rustin and Leon Keyserling discuss the Budget. More than 144 prominent Philadelphians (including a number of labor leaders) have agreed to serve on a local Freedom Budget committee.

In Boston we were able to call together,afor the first time in many months, a group representing civil rights, labor and liberal organizations to discuss joint activities in behalf of the Freedom Budget. In California, a group of Young Democrats, sociologists, and labor leaders are holding a mass meeting and conference to develop a Freedom Budget for the Bay Area and Sacramento.

The United States Youth Council has already held one conference and is planning several others in support of the Budget. The NAACP Youth Council is planning similar activities.

The popular edition of the Budget has been completed, and we are planning a distribution of more than 100,000 copies.

Beyond our work in behalf of the Budget, the Institute and its Executive Director, Bayard Rustin, are rapidly becoming known as the leading advocates of, and spokesmen for, a Negro-labor alliance. As part of our campaign to join labor and civil rights issues, Mr. Rustin is debating a representative of the California Chamber of Commerce on Right to Work laws later this month.

Again I want to thank you and the Executive Board of the Seafarers International Union of North America for your generous contribution of $1000. I interpret this as a vote of donfidence in the work of the Institute and am very grateful for it. From time to time we shall send you periodic reports ofmour activities, especially those in behalf of the "Freedom Budget for All Americans."

There is no doubt in my mind that this continued support by the labor movement will enable us to work more effectively to increase the understanding and strengthen the relationship between both our movements.

Fraternally,

A. Philip Randolph
President

APR:jw

February 20, 1967

Frederick O'Neal, Chairman
Negro Labor Committee for the
Re-election of Governor Rockefeller
c/o Actors Equity Association
165 West 46th Street
New York, New York 10036

Dear Brother O'Neal:

On behalf of the Executive Board of the Randolph Institute, I want to thank you for your generous contribution to our work.

I am happy to report that since I last wrote to you a number of meetings have been held to discuss the establishment of committees, the organization of mass meetings, the formation of survey procedures, etc., in behalf of the "Freedom Budget for All Americans."

In Philadelphia, recently, an audience of more than 500 people assembled at the Local International Ladies Garment Workers Hall to hear Bayard Rustin and Leon Keyserling discuss the Budget. More than 144 prominent Philadelphians (including a number of labor leaders) have agreed to serve on a local Freedom Budget committee.

In Boston, we were able to call together, for the first time in many months, a group representing civil rights, labor, and liberal organizations to discuss joint activities in behalf of the Freedom Budget. In California, a group of Young Democrats, sociologists, and labor leaders are holding a mass meeting and conference to develop a Freedom Budget for the Bay Area and Sacramento.

The United States Youth Council has already held one conference and is planning several others in support of the Budget. The NAACP Youth Council is planning similar activities.

The popular edition of the Budget has been completed and we are planning a distribution of more than 100,000 copies.

Beyond our work in behalf of the Budget, the Institute and its Executive Director, Bayard Rustin, are rapidly becoming known as the leading advocates of, and spokesmen ofr, a Negro-labor alliance. As part of our campaign to join labor and civil rights issues, Mr. Rustin debated Reed Larson, Chariman of the California Right to Work Committee on "Right to Work" laws.on February 18.

Again I want to thank you and the members of the Negro Labor Committee for the Re-election of Governor Rockefeller for your generous contribution. I interpret this as a vote of confidence in the work of the Institute and am very grateful for it. From time to time we shall send you reports of our activities, especially those in behalf of the "Freedom Budget for All Americans."

There is no doubt in my mind that this continued support by the labor movement will enable us to work more effectively to increase the understanding and strengthen the relationship between both our movements.

Fraternally,

A. Philip Randolph
President

APR:jw

January 6, 1967

Mr. Bayard Rustin, Executive Director
A. Philip Randolph Institute
217 West 125th Street
New York, New York 10027

Dear Brother Rustin:

Replying to yours of December 29th, in reference to those of us who talk to and with a lot of people, talk about the "Freedom Budget", in order to help build it up in the minds of the people; I have been doing that at every opportunity since the budget came out. It so happened that the California Fair Employment Practice Commission had the statistical division of our department make a study of a federal census that was made after the Watts trouble for both south Los Angeles and east Los Angeles. The east side is where the Mexican and Mexican-Americans live.

Our people prepared an excellent report for us after their study. The Commission had me to go to Los Angeles to hold a press conference upon the release of this study. During the question period, a reporter asked me what I thought could and should be done for those two districts. I told him that first, these two districts must not be set aside for special treatment, because they were symbolic of the situation that a minority group face clear across the nation, and that only the federal government had or could provide the resources to do something about it, and that I thought that an immediate crash program, like the first one under President Roosevelt, which was called the CWA, so that the unemployment or rather unemployed could be supplied with weekly funds while plans were being made and lauched on a permanent basis. Alex Dryer, nationally known T. V, commentator devoted a considerable part of his program the next day about this, and endorsed what I said 100%.

I ofcourse will continue to talk about and press for the "Freedom Budget".

Sincerely,

C. L. Dellums

CLD:cs
CC : Mr. A. Philip Randolph

ASA PHILIP RANDOLPH

SUBJECT FILE Freedom Budget for All Americans Third Draft

April 1966

CONFIDENTIAL

THIRD DRAFT, APRIL 29, 1966

A "FREEDOM BUDGET" FOR ALL AMERICANS

CONTENTS

	Page
Introduction	i
The "Freedom Budget in Brief"	v
Basic purpose and method: key role of our Federal Government	v
Full production and full employment goals	vi
Goals for liquidation of U.S. poverty	vii
Jobs do most to fight poverty: the needed Federal commitment	vii
Improved minimum wages	vii
Enlarged welfare services	viii
Wiping out the slum ghettos	viii
Investment in education, training, and health services	ix
Improving rural life	ix
Responsibilities of the Federal Budget	ix
How to contain inflation	x
The challenge, 1965-1975	x
I. Why We Need A "Freedom Budget"	1
Identity of our domestic and international purposes	1
The urgency of the challenge	1
Budgeting our resources and needs	2
II. The Role Of The American Negro In The "Freedom Budget"	3
The "Freedom Budget" will benefit all	3
The "Freedom Budget" in relation to civil rights	3
III. How Much We Have To Work With	4
The costs of high unemployment and low economic growth	4
Economic growth capabilities through 1975	4
IV. Budgeting The Great Priorities Of Our National Needs	5
The great priorities of the "Freedom Budget" in summary	6
The U.S. economic problem is a moral problem	6
V. Sustained Full Employment: First "Means" Priority In The "Freedom Budget"	7
Full employment essential to war against poverty	7
The size of the full-employment task	9
Aggregate approach to full employment	9
Structural approach to full employment	11
Preparing an effective full-employment program	12
VI. Elimination of U.S. Poverty: The First "End" Priority In The "Freedom Budget"	13
The amount of U.S. poverty, and goals for its reduction	13
The related problem of deprivation	14
Importance of improved income distribution	16
Main approaches to the reduction of poverty	17
The problem of "the working poor"	20
The more generalized wage problem	21
VII. Replacing The Slum Ghettos: "End" And "Means" Priority In The "Freedom Budget"	21
How many are ill-housed, and why	21
Housing goals through 1970	22
Why is public housing called "unpopular"?	23
Impact of improved housing upon urban renewal and economic growth	24
Accompanying social benefits	24
VIII. Agriculture, Natural Resources, and Regional Development	25
Conservation and replenishment of natural resources	26
Regional development and the distressed areas	27
IX. Direct Investment In Human Resources: Education, Training, And Health	27
Education	27
Training and retraining	28
Health services and research	28

CONTENTS (continued)

		Page
X.	Help For Those Who Cannot Help Themselves: Social Insurance And Welfare Payments	30
	OASDHI and public assistance for the elderly	30
	Other deficiencies in welfare programs	31
	Toward a unified nationwide system of guaranteed incomes	32
	Unemployment insurance and workmen's compensation	32
XI.	The Role Of The Federal Budget In The "Freedom Budget"	33
	Proposed priority programs in the Federal Budget	34
	Reasonableness of the Federal Budget projections	35
	Tax implications of the proposed Federal Budget	36
	Allowance for excessive optimism in the estimates	37
XII.	The Moral Aspects Of The Problem Of Inflation	37
	A balanced view of the inflationary danger	37
	The moral or social question	38

CHARTS

	Tab
How Much We Have To Work With, 1965-1975, Based On Economic Growth Projections	1
Number In U.S. Living In Poverty, Deprivation, Comfort, & Affluence, 1964, & Goals For 1970 & 1975	2
The "Freedom Budget," 1970 and 1975 Goals, Employment, Product, and Incomes, Projected From Levels In 1965	3
Role Of The Federal Budget In The "Freedom Budget"	4
The "Freedom Budget" Maintains Balance Of Public And Private Responsibilities	5

TECHNICAL NOTE

Introduction

Why do we call this a "Freedom Budget"?

The language evokes the struggle of the civil rights movement, its vision of social justice and equality, its militant determination that these goals be rapidly and forthrighly achieved. This is the vision and determination that underlies the "Freedom Budget" and must propel any genuine war on poverty. The moral issues in this war are no less compelling than those of the battle against racism.

We call this a "Freedom Budget" in recognition that poverty and deprivation, as surely as denial of the right to vote, are erosive of human freedom and of democracy. In our affluent nation, even more than in the rest of the world, economic misery breeds the most galling discontent, mocking and undermining faith in political and civil rights. Here in these United States, where there can be no economic nor technological excuse for it, poverty is not only a private tragedy but in a sense a public crime. It is above all a challenge to our morality.

We call this a "Freedom Budget" because it embodies programs which are essential to the Negro and other minority groups striving for dignity and economic security in our society. But their legitimate aspirations cannot be fulfilled in isolation. The abolition of poverty (almost three-quarters of whose U.S. victims are white) can be accomplished only through action which embraces the totality of the victims of poverty, neglect, and injustice. Nor can the goals be won by segmental or ad hoc programs alone; there is need for welding such programs into a unified and consistent program.

The largest beneficiaries will be the poor themselves. But in the process everyone will benefit, for poverty is not an aberrant circumstance affecting only those entrapped by it. It reflects--and affects--the performance of our national economy, our rate of economic growth, our ability to product and consume, the condition of our cities, the levels of our social services and needs, the very quality of our lives. Materially as well as spiritually, a society afflicted by poverty deprives all of its citizens of security and well-being.

In this war, too, we encounter the pessimists and the tokenists, those who counsel "gradualism" and those who urge piecemeal and haphazard remedies for deep-rooted and persistent evils. Here again, "gradualism" becomes an excuse for not beginning or for beginning on a base too small to support the task, for not setting goals; and the scattered, fragmented remedies, lacking a sense of priorities and coordination, often work at cross purposes.

In the economic and social realm, no less than in the political, justice too long delayed is justice denied. We propose and insist that poverty in America can and therefore must be abolished within ten years.

The means toward this end are spelled out in the following pages, prepared in cooperation with some of the nation's outstanding experts. There may be minor disagreements with regard to statistical data, analysis, and policy proposals, even among those endorsing the "Freedom Budget" in this publication. These individuals subscribe only to the broad directions of the "Freedom Budget," and are too imbued with a sense of urgency to cavil about the details. But this limitation is not intended to imply luke-warmness in terms of urgency, nor to question that in its major aspects the "Freedom Budget" is essentially sound and imperative as to findings, goals, and methods.

The "Freedom Budget" contends that this nation has the resources to abolish poverty, for the first time in human history, and to do so within a decade. Indeed, the very process of abolishing poverty will add enormously to our resources, raising the living standards of Americans at all income levels. By meeting our unmet social needs--in slum clearance and housing, education, training and health, agriculture, natural resources, and regional development, social insurance and welfare programs--we can achieve a full employment economy (itself the greatest single blow against poverty) and higher rate of economic growth, while simultaneously tearing down the environment of poverty. All of these legitimate goals interact, whether viewed as causes or results, and they are in truth both.

Only such a massive and sustained program--which sees poverty in terms of the national economy, and not only in terms of the personal characteristics of the poor--has a chance of success. Goals must be set, along with time tables for achieving them. We must plan the allocation of our resources in accord with our priorities as a nation and a people.

The outlines of the "Freedom Budget" are summarized in the pages immediately following. But first, it is appropriate to consider questions which are not economic in nature.

The economic impact of the war in Vietnam and the attendant question of inflation are discussed subsequently and need not be taken up here, except to point out that the "Freedom Budget" makes no independent judgment as to national defense requirements but adopts what might be called "the composit judgment of informed experts." Thus, the "Freedom Budget" is not predicated on cut-backs in national defense nor on one or another position regarding the Vietnam conflict, which is basically a thorny question to be viewed in its own terms. The fundamental proposition is that the broad approaches of the "Freedom Budget" can and should be implemented, whether or not an early termination of the Vietnam conflict is achieved, or even were there to be some increase in its economic and financial burdens.

Clearly, however, there are those who would use the Vietnam war and the issue of inflation as political weapons to force cut-backs or dangerous slowdowns in the needed rate of expansion of domestic social spending. Their cries might deserve more notice

had they not, in too many instances, been vociferous opponents of Great Society programs prior to the stepped-up American involvement in Vietnam. And as for the problem of inflation, to the extent it augments, the Federal Government has at its command selective measures to combat it which do not require impairment of Great Society programs of needed magnitudes. If the progress of inflationary pressures should indicate that we are trying to do more than our rapidly-advancing productive resources will support, than a legitimate effort against inflation means cut-backs of the relatively nonessential, not of the vital. A simulated campaign against inflation which punishes those who need help most reveals the crocodile tears of those who bewail how inflation hurts the unfortunate. Always, it is important that thinking Americans recognize the selfish character of the assault on domestic social programs.

As we reject this line of thought, so must we reject another argument emanating from different quarters, to the effect that the termination of the Vietnam conflict is the prerequisite for acceleration of domestic social programs. We all desire that termination, on safe and honorable terms; nonetheless, the argument just cited, no less than that of economic conservatives, would hitch the aspirations and long-denied needs of the poor to the outcome of the Vietnam war--a dependency which, we repeat, is neither economically necessary nor morally defensible.

Those drafting this "Freedom Budget" have sought to outline, objectively and fully, the steps required for the abolition of poverty in America. It may be argued that the "Freedom Budget" is too ambitious to be "politically feasible." We contend that the proper question is whether the persistence of poverty is any longer feasible. Can we as a nation afford another Watts, and more than one more? How many examples of seething discontent do we need before we move earnestly to provide jobs for all, clear the slums, rebuild our cities, overcome the shortages of schools and hospitals, and reverse the neglect of our other social needs?

Who, only a few short years ago, would have acknowledged the "political feasibility" of the tremendous legislative victories of the civil rights movement in our own day? Who could have foreseen the beginnings of a war on poverty, and the initiation of a host of new Great Society programs?

These breakthroughs were not won by those who thought narrowly of what was "politically feasible," but by those who raised the moral issues and placed them squarely before the American people. Having raised the issues clearly, they forged a mighty coalition among the civil rights and labor movements, liberal and religious forces, students and intellectuals--the coalition expressed in the historic 1963 March on Washington for Jobs and Freedom.

Social progress is always the trusteeship of those battling constantly to lift the level of "political feasibility." A nation can decay, as all history shows, if the level of "feasibility" is kept too far below what is required to survive and advance. We must ask, not only what is feasible by whom, but also what is needed by whom.

It is to the full goals of this 1963 March that the Freedom Budget is dedicated. It is within this coalition of conscience that the strength must be mobilized for the implementation of this "Freedom Budget" for all Americans.

A. PHILIP RANDOLPH

The "Freedom Budget" In Brief

Basic purposes and method: key role of our Federal Government

This summary does not attempt to state the needs which give rise to the "Freedom Budget," nor to develop arguments in support of the means proposed to serve these needs. All of that is done in following chapters. This summary is intended only to state succinctly the highlights of the "Freedom Budget," including those goals and programs which are susceptible to quantification. The summary is thus designed to give the reader a quick picture of what the "Freedom Budget" seeks to accomplish.

The "Freedom Budget," first of all, is based upon the assumption that we cannot use our national economic strength and our institutions to meet our needs fully in accord with their relative importance, until we develop a short-range and long-range quantification of our resources and needs and then bring national policies cohesively to bear upon meeting these needs as fully as we can. To be sure, the "Freedom Budget" insists that we must start immediately to achieve the goals set forth, but we cannot act effectively today unless we look far enough ahead to achieve a meaningful perspective.

The "Freedom Budget" is built around three interpenetrating and mutually reinforcing goals:

(1) To get the benefit of full resource use through sustained full employment, combined with translation of technological advance into rising living standards rather than into unemployment;

(2) To allocate the ever-increasing flow of goods and services in accord with the priorities of our national needs, both private and public. Among these priorities, the abolition of poverty and of the unemployment which is central to poverty comes first;

(3) To determine all priorities in accord with criteria of social justice.

The "Freedom Budget" can thus serve as an indicative guide to the processes which our Federal Government, as the only spokesman of all the people, and as the prime factor in the delineation and achievement of truly national economic and social choices, should itself undertake immediately. This could be done under the Employment Act of 1946, with such supplementary machinery as might be required. The first full-scale run of this process by the Federal Government should be at the start of calendar 1967, and preparations toward that end should be commenced at once.

Such action by our Federal Government would thus integrate a full-employment policy and the "war against poverty" with all other major aspects of our economic life and development. This would help to spotlight the things which should hold us all together, and to submerge the irrational conflicts which tend to divide. For the first time, we would then have a clarion call to which could be rallied all of the energies and good will of a great and growing people.

In short, the next Annual Reports of the President under the Employment Act should quantify ten-year goals for full employment and full production, for the liquidation of U.S. poverty, and for meeting the other priorities of our national needs. With due allowance for private and public performance at other levels, but with a firm determination by our Federal Government to close the gaps, all major Federal economic and related social policies--including the Federal Budget--should be geared to the attainment of these ten-year goals, starting at once in relevant magnitudes.

Full production and full employment goals

The first basic finding in the "Freedom Budget" relates to the productive resources we have to work with, if we use them fully. With sustained full employment and encouragement of high productivity advance, our total production (measured in 1964 dollars) can rise from about 663 billion in 1965 to about 1,120 billion by 1975. This would mean, for the ten years, 1966-1975 inclusive, an annual level of production averaging more than 244 billion dollars higher, and an aggregate over the decade more than 2.44 trillion dollars higher, than if total production remained at the 1965 level.

The first imperative step toward utilizing this productive potential is to restore full employment by early 1968 at the latest, and to sustain it thereafter. To take care of population growth, and allowing not only for full-time and officially-recorded unemployment, but also for the full-time equivalent of part-time unemployment and the concealed unemployment which results from those who are not participating in the labor force (and who therefore are not counted as unemployed because of scarcity of job opportunity), this means that we need about 4.6 million net additional jobs by 1967, 9.3 million by 1970, and 16.6 million by 1975. The total number of needed new jobs is much greater, to allow also for those who will be displaced from old jobs by technological changes.

On both social and economic grounds, sustained full employment is the absolutely first national priority. No "explanations" of unemployment, no analysis of the "characteristics" of the unemployed, can substitute for the truth that full employment is feasible at all times. We know that it was attained during World War II. What we could do while fighting a total war we can do more easily under other conditions.

"The "Freedom Budget" contains many harmonized proposals toward this end. But the bedrock civilized responsibility rests with our Federal Government, which should at once and continuously lead in organizing and financing enough job-creating activities to close the gap between full employment and employment provided at other public and private levels. None of these Federally-created jobs need to be "made-work," because our unmet needs as a nation and a people in the public sector are greater than would be met excessively even by this Federal effort during the next decade. These needs extend across housing, city rebuilding, transportation, public works, educational and health facilities and personnel, and resource development. Training programs must be synchronized with job-creation.

Goals for liquidation of U.S. poverty

Designating the benefits of sustained full employment and full production as a means towards all other objectives, the first end priority in the "Freedom Budget" is the practical liquidation of U.S. poverty. Moving pro tanto toward this goal in every year beginning now, the poverty of about 34 million people in 1964 can and therefore should be reduced to only slightly more than 2 million in 1965. The rest of the goal can be achieved shortly thereafter.

Programs designed to improve income distribution are vital to the liquidation of poverty. From the purely economic viewpoint, full rescurce use cannot be sustained if the situation persists as it was in 1964, when the highest income fifth of all U.S. multiple-person families received 53 percent of total multiple-person family income, while the lowest income fifth received only 3 percent and the lowest two-fifths only 10 percent. In terms of social justice, such maldistribution is intolerable. Practically all major national economic policies affect income distribution, and should be used to affect it progressively, not regressively.

The anti-poverty program, stemming from the Office of Economic Opportunity, should be improved qualitatively and greatly augmented quantitatively. But at best, this program touches only one small aspect of the poverty problem as a whole, which requires for its solution the coordinated utilization of all major national economic policies--for they all affect levels of employment and production, income distribution, and allocation in accord with priorities of need. This is true both with respect to a full-scale war against poverty in the form of enlarging the private incomes of the poor, and a full-scale war against poverty in the form of programs in the public sector.

Jobs do most to fight poverty: the needed Federal commitment

A full 40 percent of all of the poverty in the U.S. is due directly to inadequate employment opportunity. Sustained full employment requires, among other measures, a firm and full commitment by the Federal Government to undertake job-creating projects along the lines set forth above. Even more broadly, sustained full employment requires a much better balance between the growth in our ability to produce and our ability to consume. All Federal economic policies, especially fiscal and monetary, need much better adjustment to this purpose than they have thus far displayed.

Improved minimum wages

About 20 percent of all U.S. poverty is among the working poor (including their dependents) who receive substandard wages. The Federal maximum wage should be lifted to at least $2.00 an hour by 1968 or 1969, and its coverage should be pushed to the uppermost constitutional limits of Federal power.

Enlarged welfare services

The remaining 40 percent of U.S. poverty is among those who cannot or should not work because of age or other disabling factors. More than half of this type of poverty is concentrated among families headed by women. This aspect of the poverty problem calls for vast improvements, beginning at once and accelerating, in all social security and welfare programs. This will require greatly enlarged Federal contributions to all of these programs, including old-age insurance and assistance, general public assistance, unemployment insurance, workmen's compensation, and other specialized programs designed to help those suffering from other disabilities.

The long-range objective (for which plans should be made at once) should be to substitute, for the virtual crazy-quilt of current welfare endeavors that are miserably inadequate in coverage and amounts, a more unified system designed in accord with the principle that all those who cannot achieve adequacy incomes through the employment process be guaranteed adequacy income through acceptance of public social responsibility. This means a Federally-initiated and supported guaranteed annual income, to supplement rather than supplant a sustained full-employment policy at decent pay.

Wiping out the slum ghettos

All of the foregoing measures would be designed primarily to increase the money incomes received by those whose incomes are too low for them to move quickly out of poverty, and to move with deliberate speed toward a truly adequate standard of living in accord with our rapidly rising per capita production capabilities as a nation.

But another range of attacks upon the poverty problem is equally essential, and these involve massive action in the public sector. The first of these is to wipe out the slum ghettos which are both the roots and offshoots of poverty, while their replacement would also make the largest single contribution to sustained full employment and the rescue of the urban environment from deterioration and decay. Traditionally-financed private housing for middle-income and high-income families is already receiving sufficient encouragement. But we should start moving upward now toward about 400,000 starts of lower-middle-income housing in 1968, and about 500,000 in 1970. This calls for large increases in public outlays, use of Federal loans or credit to drive interest rates downward, and a long-range planned program. Above all, housing starts for low-income families, with annual subsidies to bridge the difference between the annual cost of what these families can afford to pay without excessive strains upon their overall budgets and what decent housing costs, should be lifted year by year to at least 400,000 in 1968, and 500,000 in 1970. Allowing for feasible increases in State and local efforts, the basic thrust in

this connection must come in the form of Federal financial assistance.

Investment in education, training, and health services

Public responsibility, especially at the Federal level, must move immediately and at an accelerating rate toward increased investment in our human resources in the form of education, training, and health services. For at least six years ahead, we need a construction program very conservatively estimated at more than 100,000 public classrooms a year, requiring outlays of about 27 billion dollars. We need about 100,000 new teachers a year in the public schools. We need vast enlargements in facilities and teachers at higher levels of education, accompanied by public financial aid to those hundreds of thousands of young people who possess every innate endowment to go to college but lack the means.

Granted the advance represented by Medicare, we need approximately to double within ten years the annual rate of outlays for hospital construction, and to increase at least 50 percent by 1975 the annual number of physician graduates. Seriously inadequate medical care, due to the cost factor, still handicaps about 40 percent of our population. The battle should now be resumed for a nationwide universal system of health insurance.

The reader desiring a detailed account of the needed expansions in the programs thus far discussed will find them in the following chapters. One index of the size of the need is that the average insurance payments to our senior citizens under the Federal program should be approximately doubled within five years or less.

Improving rural life

The extraordinary concentration of poverty in rural America, the economic disenfranchisement of a majority of our farm people, and the lag in public services in rural areas even relative to the gross deficiencies in urban areas, call for both general and specialized approaches. Most of these head up ultimately to Federal responsibility, both in the form of a drastically reconstructed national farm policy and Federal equalization policies designed to help the poorer areas of the nation to serve public needs. Underemployment is rife in agriculture. Hired farm workers, especially migratory, are among the most neglected and exploited people in America. Chapter VIII deals more fully with rural problems.

Responsibilities of the Federal Budget

Because the Federal Budget is the main instrument of national economic policy, and of those aspects of social justice which require economic and financial measures, the "Freedom Budget" sets forth in detail all of the major components of a Federal Budget

which should rise from 112.8 billion dollars as proposed in the current fiscal 1967 Federal Budget (which is 5-7 billion too low) to 135 billion dollars in calendar 1970, and 155 billion in calendar 1975. Chart Three sets forth, in as compressed a firm as could be contained in this summary, how the proposed Federal Budget should be allocated among all the great priorities of our national needs, not only in absolute dollar amounts, but also on a per capita basis related to the size of the population, and in ratio to the size of our growing total national production. The reasonableness of these Federal Budget goals, and their compatibility with maintenance of balanced relationships among public and private responsibility at all levels, is indicated by the fact that the Federal Budget projected for calendar 1970 and 1975 would be smaller in ratio to total national production than the average during the fiscal years 1964-1967.

How to contain inflation

The "Freedom Budget" is not neglectful of the problem of inflation. The attainment of all of its projected goals would not place excessive strains upon our production capabilities, if we use them fully. And even if this turned out to be an over-optimistic view, that would not negate the essentiality of achieving all of the great priority program quantified in the "Freedom Budget"; it would simply mean that we should use tax policy and other measures to restrain marginal enjoyments instead of sacrificing what we need most.

The challenge, 1965-1975

If the "Freedom Budget" becomes the living law of our national economic and social goals, policies, and programs, we can convert an abundance which already exceeds the most fanciful expectations of a decade ago into an America a decade hence where poverty has come close to total abolition; where every American enjoys a decent home in a suitable living environment; where our cities have become places in which to live instead of to move out of as rapidly as possible; in which the educational and health services enjoyed by all of the people will be abreast of the advance in knowledge and science; in which the poisons will have been extracted from our airs and waters; in which our natural resources and means of transportation will be conserved and replenished; and in which the incomes of all, while by no means equal, will be equal to the requirements for living without want or economic fear, by virtue of employment for those able to partake of it, and by other appropriate methods for those not able to be employed.

Most important of all, we shall have recognized that the foundation of a Great Society is a Just Society. The "Freedom Budget" does not ask for the moon, but only for justice here on earth, in the land best able to afford it.

I. Why We Need A "Freedom Budget"

Identity of our domestic and international purposes

The American people today are torn by two seemingly conflicting purposes. On the one hand, they have been stirred to their depths by the "war against poverty" and by other splendid goals of the Great Society. They want to move forward toward these goals, and regard this properly as an essential economic and social follow through on recent progress toward civil rights in racial relations. On the other hand, many of them believe that we must slow down instead of speed up the practical pursuit of these objectives, because of the war in Vietnam and the rising costs of our national defense and related activities. Current national policies and programs, in the main, embody this viewpoint. So long as this seeming conflict is not resolved, we the American people will remain divided among ourselves.

But this seeming conflict is not a real one. By common consent and by every public proclamation, no effort we are making anywhere in the world has any basis except to defend and advance the frontiers of freedom. These frontiers are not measured by lines upon a map, but rather by the ideals and human purposes we and other peoples live by. And the image we project overseas is but the reflection of what we do at home, in terms of human progress and social justice. All history teaches us, and never was the lesson more manifest than in this second half of the 20th century, that it would profit a nation nothing to protect its shores but lose its soul.

The urgency of the challenge

Our people feel in their hearts that the extirpation of poverty and deprivation, unemployment and other injustice, in the U.S. is central to all of our efforts everywhere. But we have not marshalled the needed sense of urgency, partly because freedom from want and even affluence have become the general rule rather than the exception in the U.S. But any complacency on this score is a tragic and dangerous irony, because the very conditions which feed this complacency bespeak our economic and institutional power to bring freedom from want and some measure of affluence to all of our citizens--commencing immediately, and reaching these goals within a decade. Then, we will set new goals.

As an example of the current irony, even the Negroes in Watts today may be better off in material terms than their counterparts of fifty years ago, or very large segments of the American people during the depths of the Great Depression thirty years ago. But the profound difference is that the unemployment and poverty and deprivation of those earlier times was merely a tragedy, because we had neither the economic resources

nor the know-how to deal with them. Today, because we have both the resources and the know-how, the millions of unemployed, the 34 million living in poverty, and the 28 million living above the poverty level but in deprivation nonetheless take on also the aspects of a national crime.*

The situation in Watts erupted in volcanic form because the people there knew or felt that their deep troubles were interlaced with manifest injustice. And this eruptive potential is seething just below the surface in portions of almost every large city in the U.S., awaiting only some slight additional pressure or some unpredictable event to spark the explosion. Because of the very nature of this situation, the advances in general prosperity and employment are multiplying the fundamental pressures by the contrasts which they sharpen.

Budgeting our resources and needs

Responsive in part to these pressures, a growing sense of urgency may more fully arouse the national conscience. But how fast this flame of conscience succeeds in consuming the evils against which it protests depends upon how boldly and quickly we translate it into massive program action. If we continue to yield to the tendency to let the towering size of our troubles, and the costs of overcoming them, lead to indeciveness or faltering measures, then we will indeed be letting our consciences make cowards of us all.

In view of the conflicting purposes referred to at the outset, good will in itself will not be enough. It must be accompanied by awareness among the American people of what we have the economic and financial strength to accomplish. That is why we need a specific "Freedom Budget," measuring our needs against our abilities to serve them. During World War II, when we were engaged in a total struggle against external enemies, we budgeted our total resources and needs. As no nation is ever strong enough to do everything at once, we also established a clear set of priorities, both civilian and military, added the ingredient of equity, and set goals accordingly. We were then able to bring all policies and programs into focus toward accomplishment of these goals. And aside from the draft of military manpower, we did this without impairment of voluntary action, and actually strengthened our manifold institutions of freedom.

Because we did just this during the World War II era, we maintained full employment, and in addition lifted living standards and reduced poverty more rapidly than ever before, even though we were burning up half of our productive resources in fighting our external enemies. If we now benefit by this lesson with appropriate adaptions, what could we not accomplish in the few years ahead, when less than one-tenth of our total national production is now, or foreseeably will be, devoted to national defense?

---

*Those living in deprivation are above the poverty-income ceiling but without sufficient income to prevent them from suffering serious denial of basic requirements. In this discussion, the deprivation-income ceiling is somewhat lower than the amount of income required for a "modest but adequate" budget. Contrasted with the 28 million living in deprivation, about 47 million in 1964 lived above poverty but below the "modest but adequate" budget.

II. The Role Of The American Negro In The "Freedom Budget"

The "Freedom Budget" will benefit all

In one sense the American Negro, relative to his numbers, has an unusually large stake in a "Freedom Budget." When unemployment is excessive, the rate tends to be about twice as high among Negroes as others. Viewing U.S. multiple-person families in 1964, 37.3 percent of the nonwhites lived in poverty with annual incomes under $3,000*, contrasted with only 15.4 percent of the whites. About 14 percent of the nonwhite families had incomes between $1,000 and $2,000, contrasted with 5.4 percent of the whites. And 7.7 percent of the nonwhite families had incomes below $1,000, contrasted with only 2.7 percent of the whites. Among unattached individuals, 52.3 percent of the nonwhites lived in poverty with annual incomes under $1,500*, contrasted with 40.5 percent of the whites; and 35.8 percent of the nonwhites were below $1,000, contrasted with 24.4 percent of the whites.

Thus, the only reason why the Negro will benefit relatively more than others from the liquidation of excess unemployment and poverty is not because he is a Negro, but rather because he is at the bottom of the heap.

Aside from this dismal phenomenon, which is a liability rather than an asset to the Negro, those of lighter skins will benefit far more in absolute numbers through achievement of the goals of the "Freedom Budget." There are far more unemployed among whites than among nonwhites. In 1964, 6.6 million white families and 4.2 million white unattached individuals lived in poverty, contrasted with 1.8 million nonwhite families and 0.9 million nonwhite unattached individuals.

The "Freedom Budget" in relation to civil rights

There is an absolute analogy between the crusade for civil rights and liberties and the crusade which the "Freedom Budget" represents. This is because the "Freedom Budget" would achieve the freedom from economic want and oppression which is the necessary complement to freedom from political and civil oppression. And just as the progress thus far made on the front of civil rights and liberties has immeasurably strengthened the entire American political democracy, so will the "Freedom Budget" strengthen immeasurably our entire economic and social fabric.

---

*The Office of Economic Opportunity now uses poverty-income ceilings of $3,130 and $1,540, respectively, for multiple-person families and unattached individuals, but distributions by color are not readily available on this basis. However, the distribution by color would be roughly the same as indicated above. In the more extensive treatment of poverty later on in the discussion, the O.E.O. poverty-income ceilings are used.

The Negro's greatest role on both of these fronts is not as a beneficiary, but rather as a galvanizing force. Out of his unique suffering, he has gone a long way toward awakening the American conscience with respect to civil rights and liberties. The debt which the whole nation owes him will be increased many times, as he helps to win the battle against unemployment and poverty and deprivation.

III. How Much We Have To Work With

The costs of high unemployment and low economic growth

Before we kneel supinely before the false idol of what we "cannot afford," we should appraise realistically the potentials of the U.S. economy to increase from year to year the output of goods and services which respond to our needs.

A good starting point is to consider how much we have forfeited by the excessively high rate of unemployment and the low annual average rate of economic growth since the end of the Korean war. From the beginning of 1953 through the end of 1965, actual employment, measured by man-years of work, was about 28 million below what it would have been if full employment had been sustained. The loss in total national production, measured in 1964 dollars, is more difficult to estimate. But responsible estimates of this loss range from 500 billion dollars to more than 700 billion for the thirteen years as a whole, or an annual average of from about 38 billion to about 54 billion. The significance of this loss is indicated by the fact that the difference between the actual annual incomes of the 34 million Americans now living in poverty and the annual incomes required to lift all of them out of the poverty-cellar would be somewhere in the neighborhood of 13 billion dollars. The reduction of poverty during these thirteen years was only a minor portion of what it would have been with sustained full employment and production, accompanied by allocation of an appropriate portion of our total national production toward the reduction of poverty.

Economic growth capabilities through 1975

Developments during the most recent years, when unemployment has been reduced considerably and the rate of economic growth accelerated greatly (even though we have not moved nearly far enough on either of these two fronts), give reasonable assurance that we can make much better progress in the years ahead, if we adopt suitable policies and programs.

The estimates of our economic growth potentials by competent organizations and individuals vary in degree, although they are usually within similar broad ranges. These variations derive from differing emphases and value judgments; within limits, the rate of economic growth depends upon the exertions we are willing to undertake, the priorities to which we attach most importance, and the policies and programs we adopt. The "Freedom Budget" is based upon the proposition that our unmet needs are so great that we should lean toward the higher rather than the lower competent estimates of our growth potentials.

The "Freedom Budget" is based upon an average annual economic growth rate of about 5 percent from 1968 through 1975 (somewhat higher than some other competent estimates, but not higher than all of them), and a higher rate until full resource use is restored by early 1968 at the latest. More specifically:

Our total population is estimated to rise from 194.6 million in 1965 to 224.6 million in 1975, a gain of more than 26 percent.

Taking account of the growth in the civilian labor force induced by a full-employment environment, and if we commit ourselves to the restoration of full employment by early 1968 at the latest and its maintenance thereafter, total civilian employment should rise from 72.2 million to 88.8 million, a gain of about 23 percent, from 1965 to 1975.

It is much more difficult to make estimates as to future gains in output per man-hour or productivity in the private economy, and the competent estimates vary considerably. The competent estimates which have received the most attention as to what might be called the annual productivity-growth potential appear to range from 3 percent to 3.8 percent. In the "Freedom Budget," the 3.8 percent estimate is utilized. This is admittedly high, but seems not to be unreasonably so. The average annual rise in productivity was about 3.6 percent during 1961-65; the long-range trend has been toward acceleration in productivity gains, due to advances in labor skills, scientific management, technology, and automation; and we should benefit in the future by ever-improving programs of training and education. Within the range of the estimates just set forth, what is likely to be attained depends in substantial measure on the degree and effectiveness of efforts made toward economic growth, and the "Freedom Budget" holds that these efforts should be intensified, particularly because of the demonstration in all experience that there is a very positive correlation between the rate of economic growth and the rate of reduction of poverty, and also an inverse correlation between the rate of economic growth and the level of unemployment. But it should be emphasized at this point that if a lower estimate of productivity growth were embodied in the "Freedom Budget," it would not appreciably change the basic conclusions of program and policy embodied in the "Freedom Budget." It would not reduce the proposed allocation of resources to the great priorities of our national needs, but instead would mean that we would have to do somewhat less on other less important fronts.

Combining these estimates of the growth in the civilian labor force and the gains in productivity, it appears that, measured in 1964 dollars, our total national production of goods and services (GNP) should rise from almost 663 billion dollars in 1965 to about 1,120 billion, or more than 69 percent, carrying us well above a <u>trillion</u> dollar economy by 1975.

Movement toward a 1975 total national production which might well be about 457 billion dollars higher than it was in 1965 would mean this: We would enjoy, during the decade as a whole, total production aggregating more than 2.4 <u>trillion</u> dollars higher, and averaging <u>per year</u> more than 240 billion higher, than if total production remained at the 1965 level.*

It is perfectly plain that, if we use these burgeoning resources wisely, we can meet all of the great priorities of our national needs, and combine this with large additional progress for those at practically all income levels.

IV. <u>Budgeting The Great Priorities Of Our National Needs</u>

Of course, we could not achieve the indicated gains in total national production of goods and services without sustained full employment (from early 1968 forward). But it might theoretically be possible (although there is much doubt on this point) that we could achieve the indicated gains in total employment and production without meeting some of the great priorities of our national needs. We might conceivably make these gains with millions still living in poverty while they worked to help lift others from affluence to riches; and without rebuilding our cities, clearing out slums, or concentrating upon the other goals of a Great Society. In that event, we would become an example to all mankind of a land where wealth accumulates and <u>men decay.</u>

*See Chart One. As to other estimates of our economic growth potentials, and in order to appreciate that these other estimates do not significantly change the basic impact of the "Freedom Budget," see Technical Note.

The great priorities of the "Freedom Budget" in summary

The great priorities of our national needs may be stated very quickly and simply. They are (1) to assure opportunity for year-round employment to all of those able to work and wanting to work, including those whose abilities need lifting through training and education; (2) to obliterate what might be called "private poverty," by assuring a decent American standard of income and living -- advancing as our economic capabilities grow -- to all those who are at work, and also to all those who cannot or should not work for one valid reason or another; and (3) to eliminate the poverty in the "public sector" of the American economy. This means remedying the glaring deficiencies represented by decaying cities; obsolescent transportation systems; neglected natural resources; polluted airs and waters; rural shortfalls even more glaring than those in urban areas; inadequate educational opportunity for all, in accord with their ambitions and abilities and the needs of an advancing technology; lack of satisfactory medical care for all, at costs within their means, compatible with the advances in medical science; and outmoded social insurance and welfare payments, which do not allocate a fair share of our national production and wealth to those unable to enter into or remain within the production process because of age or other condition of disability. It goes without saying that our great national priorities relate also to national defense, space technology, and international economic and technical assistance. These programs are also allowed for amply in the "Freedom Budget," but they are in general beyond the scope of this discussion.

We now face a curious paradox in general public thinking. Even while there are those who question whether we "can afford" to meet these great priorities of need, there are others who question where the markets will come from to absorb our rapidly advancing productive powers, as the only alternative to massive unemployment. While we should do all that we can to help those overseas whose poverty is so extreme that it makes our poor families look affluent by comparison, the greatest undeveloped market in the world for our own products is among our 62 million citizens who are still poor or deprived, plus the opportunity to reshape the sordid physical environments in which they and so many of the rest of us live.

The U.S. economic problem is a moral problem

Stated in another way, the so-called economic problem in the U.S. is really a moral problem. Some of the underdeveloped countries of the world, India for example, must temporarily hold down to a snail's pace the rate at which they increase the living standards of their indescribably poor populations. This is because they must bend every effort toward

expediting capital equipment and industrial development -- their real source of hope in the long-run. In vivid contrast in the United States, the immediate and progressive fulfillment of our moral obligations to our people's welfare is the surest method of promoting economic growth, capital accumulation, investment in production facilities, and profits.

We may now turn to more specific consideration of our great priorities of needs. We must remember always that we cannot serve these by glowing declarations of intent, unless we quantify the magnitudes of the various needs, prove that we have the capabilities to meet them, and allocate sufficient portions of our great and growing resources to them. This, again, is the essential meaning of the "Freedom Budget."

V. Sustained Full Employment: First "Means" Priority In The "Freedom Budget"

Sustained full employment is treated as the first "means" priority in the "Freedom Budget," because it is so highly relevant to attainment of all of the other great priorities. /This is not to deny that full employment is an imperative "end" in itself. For in the preponderance of cases, decent living standards depend upon employment at decent pay. there is nothing more corrosive of the human spirit, and even of physical well-being, than for one to be told "you are not wanted" by the economic society in which one lives.

But even aside from this "end"value of full employment, the preceding depiction of how much we can expand our total production of goods and services in the decade ahead with full employment, and the subsequent depiction of how much this full production would yield in terms of human progress, make clear why full employment must be regarded as the top "means" priority. We cannot use what we do not produce. The thesis that mass unemployment would be tolerable (even assuming guaranteed incomes for all, including the unemployed), is defeatist beyond description.

Thus, the "Freedom Budget" rejects all "explanations" or extenuations of excessive unemployment, beyond the "frictional" minimum. It sets out to budget and create enough jobs to restore full employment at the earliest practical point in time, and to maintain it thereafter.

Full employment essential to war against poverty

The prime reason why full employment is the first "means" priority is that it is by far the most important single approach to the eradication of poverty. This truth is hidden by stressing the wide numerical disparity between the 34 million poor and a full-time unemployment rate of not far from 4 percent or only about 3 million people, comprising with their families perhaps fewer than 9 million people.

In the first place, the full-time unemployment rate now does not take account of the full-time equivalent of part-time unemployment. Underemployment is not consistent with full employment. Nor does it take account of the concealed unemployment among those who are not in the civilian labor force (and therefore not counted as unemployed) because scarcity of job opportunity discourages them from looking actively for work, and sends many of them instead into the pool rooms, the streets, and the knife gangs. Unemployment should really be measured against all those of working age who ought to be employed, not just against those actually participating in the civilian labor force. Taking these factors into account, the true level of unemployment is now in the neighborhood of 6¾ percent, or the equivalent of about 4½ million full-time jobs. Translating these breadwinners into their family equivalents, this comes to about 13½ million people.

In the second place, the same people are not unemployed throughout the year. In a year when the full-time unemployment rate averages 4 percent, perhaps 15 percent of the labor force is unemployed for periods averaging about three months within the year. The consequent loss of income drags the majority of them below the poverty-income ceiling for the year as a whole, if they were not there already even when fully employed, because of substandard wages.

Even allowing for the fact that not all of the unemployed and their families are poor, it appears that about 40 percent of all the poverty in the U.S. is directly attributable to full-time unemployment or part-time unemployment, and that another 20 percent are poor because of substandard wages paid to their breadwinners when employed (which in itself is an aspect of an unsatisfactory employment environment). This accounts for about 60 percent of all the U.S. poor.

Moreover, the policies and programs designed to assure sustained full employment would necessarily include enlarging greatly the purchasing power of the other 40 percent of the U. S. poor who cannot or should not be employed. This 40 percent includes almost all of the 27 percent or so of the poor who are in consumer units headed by senior citizens (granted that some of these senior citizens should be accorded employment opportunity). It includes also the about 13 percent of the U.S. poor who are in consumer units headed by women who cannot or should not work (almost 32 percent of the U.S. poor are in consumer units headed by women, but much more than half of these women have or should have job opportunitites.) Thus, a full-blown employment program would encompass, in one way or another, measures addressed to practically all of the poor, and not just to those in the working age population.

Further still, sustained full employment would generate the public revenues to finance the public programs which the poor (and others) need, whether employed or not. To illustrate: If we had enjoyed full employment and production during the period 1953-1965, tax revenues at all levels of government--at actually existing tax rates--would have been about 200 billion dollars more than they actually were. With these additional tax revenues, during the thirteen-year period, we could have built 175 thousand school class-

than actually received;
rooms, and paid teachers one thousand dollars more each year/ provided more than 500 thousand additional hospital beds and facilities; increased Social Security payments very substantially by means of public contributions; paid for thirteen years the subsidy contributions on 4 million units of low-rent housing; and used various public types of income-supplementation payments to lift the incomes of all of the poor families in the U.S. to an annual level for each of these thirteen/years averaging $822 more than they actually received. (And there would have been enough left over, from these additional revenues, to have increased economic assistance overseas by about 50 percent, and to have spent about 20 billion dollars more toward expansion of our national defense efforts, if this had been deemed desirable).

The size of the full-employment task

The size of the task of restoring and then maintaining full employment is immense. Measured from a 1965 base, we need 4.6 million net additional jobs by 1967, in order to restore full employment by early 1968; 9.3 million by 1970; and 16.6 million by 1975. Even these estimates understate the problem. They are based upon assuming that a level of full-time unemployment just below 3 percent of the civilian labor force would be consistent with full employment; we really ought to be moving toward a target of 2½ or 2 percent unemployment, particularly because unemployment hits the "vulnerables" so much harder than it hits the labor force as a whole, and the "ideal" toward which we should strive is employment of everyone who should be participating in the civilian labor force. And these estimates of net additions to jobs do not include new jobs for those who will continue to be forced out of their current jobs by technology and automation, and by changing patterns of demand on the part of consumers and governments at all levels. Thus, it has been estimated that we may need a gross total of 22-27 million new jobs by 1975.

Aggregate approach to full employment

The aggregate approach to full employment insists that increases in total spending or demand, if large enough, will eliminate unemployment in excess of "frictional" or minimum unemployment. These increases in total spending may take the form of larger public outlays, without corresponding increases in taxation. They may take the form of tax reduction to induce more private spending, without corresponding reduction in public spending.

In addition, increases in total spending may be promoted in the private sector by reducing maladjustments in the distribution of income which cause saving to rise faster than it is actually utilized for production and employment purposes; Idle manpower and plant are manifestations of such excess saving. These needed corrections in the private sector may be achieved through voluntary adjustments in prices, wages, profits, and investments, which would bring into better balance our ability to produce and our ability

to consume. Adjustments in the private sector may also result from public policies which impose private obligations, such as minimum-wage legislation, various aspects of the Social Security program, and some regulatory programs.

In very large measure, the aggregate approach to full employment expresses an inescapable truth. Not a single unemployed person can get a job anywhere (except by taking it away from somebody else), unless there is additional spending to employ this person, even if there is a current job opening waiting to be filled. This means more aggregate spending. And since this additional spending adds to our total production of goods and services, there is a clear and direct correlation between the reduction of unemployment and the rate of economic growth. This rate must be speeded up considerably to restore and maintain full employment.

While there can be no doubt that we need even better programs of training and retraining than we now have, we must reject most emphatically the proposition that the main reason for excessive unemployment resides in the personal characteristics of the unemployed. This fallacy rests upon failing to distinguish between the reasons why too many are unemployed and the reason why particular people are selected for unemployment when there are not enough jobs to go around.

If the current level of full-time unemployment were to rise from 4 percent of the civilian labor force to 8 percent, due to insufficient spending to hold unemployment steady, the additional unemployment would be mainly among the "vulnerables." These would be the older workers; the young people seeking to enter the labor force for the first time; the semi-skilled and relatively unskilled; the nonwhites rather than the whites, and the women rather than the men, insofar as discrimination against nonwhites and women remained, or because discrimination during the past century and longer has prevented nonwhites and women on the average from having the degree of training and education which others have. But to say that this would be the reason why they became unemployed would be like saying that, if half of the people in a lifeboat died from exposure because they were not as strong as the others in the boat, the cause was the condition of their health rather than the shipwreck. Likewise, if there were too few lifeboats, and the stronger kept the weaker out.

Conversely, the reduction of unemployment to only about one percent of the civilian labor force during World War II provided jobs for those who a few short years earlier were "unfit," and also for millions who customarily did not enter the labor force at all. And the creation of job opportunities provides guidelines to effective training and education which do not otherwise exist.

To state all this in a different way, the fact that Negroes tend to be the first fired and the last hired when jobs are insufficient should not prevent us from recognizing that this phenomenon, so central to the racial problem, would not exist if there were jobs for all.

Structural approach to full employment

The structural approach to full employment, as usually defined, explains unemployment more largely in terms of the "unfitness" of the unemployed, and urges the training and retraining programs which would enable them to fill job openings which (it is claimed) already exist, or which (it is claimed) would automatically result from better-prepared seekers for jobs. The inadequacies of this approach, if pushed too far, have just been set forth.

Yet the structural approach, within appropriate limitations, has value also. For the very meaning of the new technology and automation is that a dollar of additional spending for one purpose will not help the job situation as much as a dollar of spending for another purpose. There are some industries where the rate of output per man-hour will continue to rise faster than any likely increase in demand for the products of these industries, no matter how much money consumers have jingling in their pockets. For example, if we use an index of 100 to represent the ratio of employment to production in the base period 1947-1949, this ratio by 1964 had fallen to 44.5 in agriculture; 57.3 in all manufacturing; 65.9 in iron and steel; 59.0 in electrical machinery and equipment; 57.8 in motor vehicles and other transportation equipment; and 58.1 in railroads.

We therefore need to redirect an increasing portion of total demand toward those goods and services where the increases in real national needs from year to year are so great that the servicing of these increased needs in full will outrun the rate of advance in technology and productivity, and thus contribute millions of additional jobs. This will also produce a job-product-mix including a much higher proportion of semi-skilled and relatively unskilled jobs, which is what large portions of the unemployed need at once. It is chasing a futility to train people for the job patterns of the past, which we could not repeat if we would, and should not repeat if we could.

For even apart from technological consideration, and although almost any kind of employment is better than unemployment, employment cannot be the sole criterion. We do not want leaf-raking nor pyramid-building. We cannot be satisfied with a million more jobs resulting from construction of luxurious hotels on the beaches and from production of superfluous gadgets by the hundreds of millions, if this substitutes for the additional jobs which would result from creation of effective demand and markets for the things we need most as a nation and a people. This consideration unites the goal of full employment with the goals for meeting the other priorities of our national needs.

Preparing an effective full-employment program

As full employment depends upon a careful admixture of the aggregate and structural approaches, much of the recent debate as to which of the two should be emphasized has been academic and futile, and conducted at the expense of the unemployed. There were similar debates when we had 8 million unemployed just before World War II. But when the war came, we got down to business. We assumed that we could not afford any large wastage of manpower or other productive resources. We budgeted full employment and full production, and we also defined the priorities of our national needs and resolved to serve them. Guided by these quantitative goals, we were able to achieve a synthesis of public and private policies and programs suited to the attainment of the goals. The results outdistanced expectation.

Granted that less stringent policies and programs are needed now, because we have more to work with and because we are not in a total war against external enemies, a similar method is embodied in the "Freedom Budget." But because the "Freedom Budget" is formulated without the vast resources available to the Government, and because the "Freedom "Budget" has no powers except those of persuasion, the fulfillment of its objectives requires that the Federal Government develop a more comprehensive and exact equivalent, whatever it might be called, and implement it with all the powers at its command.

This is no more than the explicit mandate of the Employment Act of 1946, which thus far has been seriously limited in its utilization. The Reports of the President and of the Council of Economic Advisers under the Employment Act should specify long-range goals, running five and perhaps ten years ahead, for sustained maximum employment, production, and purchasing power. These goals should be divided into components identifying what portions of our total output should serve the great priorities of our national needs. There should be specific goals for the total liquidation of U.S. poverty. There should be incorporated the concept of a specific adequacy standard of living for all Americans, assured in the main by the commitment to sustained full employment, and supplemented by measures to guarantee this adequacy standard of living to all those who cannot earn it through gainful employment.

Every economic policy and program conducted by the Federal Government, or involving Federal legislation, should be geared (1) to encourage others to go as far as they can toward attainment of all of the goals, and (2) to an unqualified commitment, by the Federal Government itself, to make up the difference between the full achievement of the goals and those portions of them which can elsewhere be achieved. The Federal Budget, national monetary policies, social security and housing and farm policies, and all other national

policies and programs importantly affecting the development and utilization of our economic resources, including our human resources, should be included in the equivalent of a "Freedom Budget" in the Reports under the Employment Act.

Every legitimate reliance should be placed upon the role of private enterprise, community action, grass-roots participation, and action by State and local governments. But the very nature of a <u>total</u> effort against unemployment and poverty and all their manifestations, and toward serving the other great priorities of our national needs, calls for greatly increased emphasis upon Federal action.

Here again there is a close analogy to the civil rights movement. This movement started at the grass roots, and involved action at every level. But it gained substantial ground only through leadership decisions made in a Federal courthouse in Washington, a Federal Congress in Washington, and the Executive Branch of the Federal Government. The need for this is even more apparent on the economic and social front. Theoretically, the objectives of the civil rights movement could be achieved without Federal action, if the hearts and minds of 200 million Americans were fully attuned to these objectives. But even if everyone wanted to get rid of unemployment and poverty--and practically everyone does -- the specific actions toward these ends cannot be formulated, nor fully executed, by 200 million Americans in their separate and individual capacities. This is what our national union and our Federal Government are for, and we must act accordingly.

VI. Elimination of U.S. Poverty: The First "End" Priority In The "Freedom Budget"

In terms of "end" objectives, the elimination of poverty is the top priority of the "Freedom Budget." For the very word "poverty" brings together the whole cluster of our economic and social troubles: unemployment; substandard pay; bad housing; inadequate education and health care; malnutrition; deficient Social Security and welfare payments to those who cannot be gainfully employed; high concentration of crime, juvenile delinquency, and other social aberrations.

<u>The amount of U.S. poverty, and goals for its reduction</u>

In 1964, 9.1 million multiple-person families, embracing about 29 million people, lived in poverty. Adding 5.3 million unattached individuals, the total came to more than

34 million. The amount of income required to emerge from the poverty cellar depends upon the size of the consumer unit, the number of children in the unit and their age distribution, the geographic location which to a degree affects the cost of living, and some other factors. But as a fair working rule, a multiple-person family income of $3,130, and an unattached individual income of $1,540, is currently used by the government and others as the poverty-income ceiling.*

Even these data fail to present the whole picture. In 1964, 4.5 million multiple-person families had incomes under $2,000, and 3.1 million unattached individuals were below $1,000.

As has been stated, the goals for the reduction of poverty embodied in the "Freedom Budget" involve a top priority. They recognize the necessity for policies and programs which are not satisfied with sustained full employment and full production alone, and which concentrate upon many specific measures to fight poverty. They involve substantial redistributive efforts. Nonetheless, these goals for the reduction of poverty are fitted into an internally consistent range of "Freedom Budget" goals which take account of all other basic economic requirements and national objectives, contemplate balanced economic development, are designed for optimum growth in our overall economic strength, and (as will be shown) envisage income progress at all levels of the income scale.

In this full perspective, the "Freedom Budget" contains estimates that the total number of American multiple-person families living in poverty can and therefore should be reduced to less than three quarters of a million by 1970, and to about half a million by 1975. The number of unattached individuals living in poverty can and therefore should be reduced to about less than one and a third million by 1970, and to less than three quarters of a million by 1975. This would mean that, within the decade ahead, we can reduce the total number of people living in poverty from more than 34 million in 1964 to about two and a quarter million in 1975.**

The related problem of deprivation

Studies of the U.S. Department of Labor, brought up to date for changes in the cost of living, indicate that there is a very wide gap between the poverty-income ceiling and the income required for a "modest but adequate" budget. On the average, this budget might be set at about $6,000 for a multiple-person family. It therefore

*The money income concept is used throughout this discussion.
**See Chart Two,

appears conservative to say that families with incomes under $5,000 (not $6,000), but above the poverty-income ceiling of $3,130, live in deprivation, though not in absolute poverty. Those living in deprivation in 1964 came to about 7.5 million families, or about 26 million people.*

The "modest but adequate" budget for an unattached individual averages about $3,000, and an individual with an income below $2,500, but above the poverty-income ceiling of $1,500, should be regarded as living in deprivation. These totaled 1.7 million in 1964. Adding these to the about 26 million deprived people in multiple-person families, the total came to almost 28 million people.**

In many ways, the lot of those living in deprivation is especially poignant; their bread-winners in most instances are fully employed, and they are usually regarded as "respectable" people without having the incomes needed to live respectably.

A full-scale attack upon poverty cannot neglect the problem of deprivation. The sustained full employment and full production required to liquidate poverty would be much more difficult to attain, if we did not also increase the incomes and purchasing power of those living in deprivation. The policies and programs most needed to increase the incomes of the poor are equally applicable to a majority of the deprived. And it would be neither psychologically nor politically feasible to obtain the public consents required for a full-scale war against poverty, if the deprived were left out.

The "Freedom Budget" indicates that the 7.5 million families living in deprivation in 1964 can and therefore should be reduced to about 3 million by 1975. It would seem that the number of unattached individuals living in deprivation might actually increase from 1.7 million to about 2.8 million, but this would reflect the fact that so many of these now living in poverty will have moved upward into the deprivation category. Grouping together the families and the unattached individuals, the number of people living in deprivation could and therefore should be reduced from almost 28 million in 1964 to about 13 million in 1975.

These goals for the liquidation of poverty and the reduction of deprivation are not incompatible with income progress all along the line. For example, in 1964 there were 21.8 million multiple-person families living in comfort or affluence with

---

* The average size of families living in deprivation is higher than the average size of those living in ooverty.

**As earlier indicated, 47 million lived above poverty but below the "modest but adequate" budget.

incomes of $7,000 or over; these could be lifted to about 42 million by 1975. Among unattached individuals, there were 2.4 million living in comfort or affluence with incomes of $5,000 or over; these could be lifted to 3.4 million by 1975.*

Importance of improved income distribution

The rather widespread idea that, if our economy grows rapidly enough, poverty will be reduced at acceptable speed regardless of improved income distribution, is entirely erroneous.

To be sure, sustained economic growth lifts the incomes of all. But while poverty is in part an absolute concept, it is also in part a relative concept. Poverty in the U.S. today does not mean the same thing as 50 years ago, nor does it mean the same thing as poverty in Africa or Asia today. Poverty in the U.S. today is to some degree relative to what others in the U.S. now enjoy. This does not mean that, if at some time in the distant future the lowest income fifth had incomes averaging $20,000 a year, they would still be regarded as living in poverty. But it does mean that, regarding social justice, we cannot remain satisfied with current income distribution when the lowest fifth are still so low in absolute terms.

In 1964, the highest income fifth of all U.S. multiple-person families received 53 percent of total multiple-person family personal income, while the lowest income fifth received only 3 percent, and the lowest two-fifths only 10 percent. It is arguable whether this distribution would be acceptable in terms of the American ideal, even if the lowest income fifth had average incomes of $20,000 a year. And it is certainly not acceptable, when more than the lowest income sixth of our entire population live in absolute poverty, and when almost all of the lowest third live in poverty or deprivation.

Even from the purely "economic" point of view, further improvements in income distribution are essential to the optimum progress and growth of the U.S. economy as a whole. From 1961 to 1965, total national production measured in uniform dollars grew 22.5 percent, and private consumer spending for ultimate products grew at about the same rate. Government outlays at all levels for goods and services grew only 12.2 percent, and these also constitute a type of consumption of ultimate products. Meanwhile, private investment in the plant and equipment which add to our production capabilities advanced 45 percent. These disparate trends indicate the tendency of our power to produce to outrun ultimate consumption, which results in idle

*Again, see Chart Two.

manpower and plant, and, if continued long enough, results in economic downturns.

These disparities between production capabilities and ultimate consumption stem from disparities in incomes. From 1961 to 1965, wages and salaries grew 21.8 percent, or at close to the same rate as total private consumer spending, and farm proprietors' net income grew only 4.5 percent, while corporate profits grew 39.4 percent, personal dividend income 33.6 percent, and personal interest income 42.2 percent.

These disparities between investment and consumption, profits and consumer incomes, have been equally apparent during the most recent year. A stable and growing economy remains in serious jeopardy until these enormous disparities are greatly reduced through improved income distribution.

Main approaches to the reduction of poverty

The aspect of the current "war against poverty" which centers in the program of the Office of Economic Opportunity under the Economic Opportunity Act of 1964 is of tremendous significance. This program reflects the dedication of the President and the Congress to this war. It has brought the problem of poverty to the center of the national stage. It has enlisted the active cooperation of millions of men and women, in almost every county in the U.S. where poverty exists. It has already helped to reveal the nature and scope of the poverty problem, and in a short time made measureable gains against some aspects of this problem. The "Freedom Budget" projects very great enlargements in this program from year to year, supported by adequate funds. The program has already generated a wide variety of criticism, some constructive and some unworthy. What is said below is not intended to deal with these criticism, nor to enlarge the burdens of the devoted peoples at all levels engaged in the Economic Opportunity program.

But what has been already stated throughout this discussion, and what will be said further below, make it clear that the major aspects of a full-scale war against poverty cannot be found within the confines of the Economic Opportunity Act. Nor are these aspects implemented adequately by other national policies and programs.

This is because, to a very substantial degree, much of the current thinking about the "war against poverty" suffers from quite similar deficiencies to much of the current thinking about remedies for unemployment. There is a tendency to place excessive emphasis upon the personal characteristics of the poor as the explanation of the huge amount of poverty in an economy already as rich and productive as ours. There is correspondingly a tendency not to recognize how predominant a part of the treatment of the poverty problem depends upon full-employment policies, and income-

assistance policies for those who cannot or should not be gainfully employed. Such policies are not generated by personal processing of the poor. Indeed, without prompt development and application of such policies, the "war against poverty" might well generate resentment and reaction, by lifting expectancies much more rapidly than they are being fulfilled.

This point is so vital that it requires reinforcement by a detailed examination of the characteristics of the U.S. poor. In 1964, somewhat more than half of them were in consumer units whose heads had less than eight years of education. Improved educational opportunity is in itself a top national priority, and the "Freedom Budget" allows amply for this. But those who have less than eight years of education are scattered among many groups, and in most instances improved education would not in itself help much to lift them out of poverty.

For example, as already indicated, considerably more than a quarter of the poor live in consumer units with heads aged 65 and over. If we are to deal realistically and promptly with this problem (instead of relying upon the distant hope that the grandchildren of today will not be poor when they are grandparents if sufficiently educated), we must set about promptly to enlarge the Social Security and welfare payments to our abysmally neglected senior citizens--who are increasing by the millions from year to year.

More than one-eighth of all of the poor people in the U.S. live on farms. Their plight, and what to do about it, is highlighted in Chapter VIII. Undoubtedly, farm people have had relatively less educational opportunity than others. But this is not the reason why about 43 percent of all farm families are poor, compared with only about 17 percent of all nonfarm families. The reason is that our national farm policies have not succeeded in allocating to agriculture anything even approximating a fair share of national income, by compensating for the economic weakness of the farmer who sells his products in a "free" market (where prices fluctuate widely, responsible to the so-called law of supply and demand) and buys in an administered or controlled market; coupled with this, too much of the Government aid has gone to farmers who have needed it least, and too little to those who have needed it most. The reason is also that we have not made full use of our farm productive powers to fight malnutrition among millions of American poor children in nonfarm areas and to fight starvation among hundreds of millions overseas. Still another reason is that, in rural areas relatively even more than in urban areas, the "public sector" is starved with respect to educational and health facilities and personnel; this calls for "equalization" policies on the part of the Federal Government. To wipe out farm poverty, the education most needed applies to the policy-maker rather than to the farmer.

About two-fifths of all of the U.S. poor live in the South. But this poverty cannot be attacked by pointing out that its victims have the personal characteristics of being Southerners, or by moving them to Harlem. They are poor because their incomes are too low, and the lines of attack are employment opportunity, decent wages, farm-income improvement, larger Social Security and welfare payments, and better educational and health services in the "public sector." These lines of attack are set forth in more detail in later chapters.

Almost one-third of the U.S. poor, as already stated, are in consumer units headed by women. Considerably more than half of these women would be helped most by a full-employment environment, and by removal of discrimination with respect to hiring, pay, and advancement. Public financial support of an adequate volume of day-care services for children is essential, in order that these women may take the jobs made open to them. But almost one-sixth of the U.S. poor are in consumer units headed by women who cannot or should not work. These "broken" families, concentrated most heavily of course among Negroes, are singularly neglected in most of the current inadequate efforts to make war against poverty. They are subjected to many types of pauperization and degradation in the very process of extending to a small fraction of them the various types of welfare payments, and even where these are extended they are in most cases woefully inadequate. This glaring aspect of the poverty problem requires as one step a great enlargement of welfare payments in several categories, both as to scope and size, and also substitution as rapidly as feasible of nationwide systems of adequate family allowances. The quantitative needs with respect to these programs are set forth more fully in Chapter X.

The point has already been developed that a full 40 percent of all of the poverty in the U.S. is due to inadequate employment opportunity; to remedy this, training and education are an auxiliary approach to a nationwide full-employment policy and program. And about 20 percent of all the U.S. poor, as already indicated, are poor because their breadwinners receive substandard wages when employed. This aspect of the problem requires more extended treatment, which will follow shortly.

There is, of course, an appealing note in the concentration of the Economic Opportunity program upon the young. Insofar as this approach is based upon recognition that millions of the young have become warped and twisted by the poverty environments in which they have lived, it deserves vigorous support. But insofar as this approach relates to improving their general education, it may be proper to ask whether we should not concentrate also upon improving our general educational systems, and changing the environments in which these young people live so that they will not drop out of school even if their classrooms are pleasant and their teachers good. Insofar as this approach is based upon the training of the young in a vocational sense, the earlier-stated proposition applies that we need to know better what to train them for, and that in a full-employment environment most of them would be drawn into jobs and trained on the job.

And insofar as concentration upon the young carries any implication that it is too late to do much about their elders, this misinterprets the whole nature of the poverty problem. If we are addressing ourselves to the more than 16 million poor children in the U.S., rather than to the relatively few who may be involved for a short period of time in special youth programs, we should all ask these pertinent questions: Can we

really rescue the young, without rescuing their parents? Can we really rescue their parents, without profound alterations in the whole environment in which they live--especially the employment environment and the housing environment?

It is on the basis of these broad and balanced approaches that the "Freedom Budget" presents all of the essential ingredients in a full-scale war against poverty.

The problem of "the working poor"

We have already noted that about a fifth of all U.S. poverty is among those whose breadwinners receive substandard wages. Only about 63 percent of all nonsupervisory employees in the U.S. are covered by the Federal Fair Labor Standards Act, and only about 10 percent are covered by State laws which are far more inadequate. Thus about 27 percent of all non-supervisory employees, or almost 13 million, are not covered at all.

Even among those covered by the Fair Labor Standards Act, the minimum wage is only $1.25 an hour. Assuming that the breadwinner enjoys fifty weeks of work per year and forty hours of work per week, the annual income yield of $2,500 is about 20 percent below the poverty-income ceiling for a family, and more than 58 percent below the "modest but adequate" budget. Assuming 7½ weeks of unemployment during a year, the annual income yield is about 32 percent below the poverty-income ceiling, and almost 65 percent below the "modest but adequate" budget. Even if there is a secondary worker in the family earning one-third as much as the primary breadwinner, the annual income yield at full employment is more than 44 percent below the "modest but adequate" budget. And assuming 7½ weeks of unemployment for each, the annual income yield is 9.5 percent below the poverty-income ceiling, and almost 53 percent below the "modest but adequate" budget.

The Bill reported favorably in 1965 by the House Committee on Education and Labor would lift Federal coverage to about 80 percent of all nonsupervisory workers. Its goal of a minimum wage of $1.75 an hour by 1968 for currently-covered workers and by 1970 for newly-covered workers is hardly adequate, and the lift by then or shortly thereafter should be to at least $2.00 an hour. The bill in its later stages, with the increase limited to $1.60 and its coverage less extensive, is even more inadequate by far. Even at $2.00 an hour, and with a secondary breadwinner as described above, the annual income yield would be more than 11 percent below the "modest but adequate" budget assuming full employment throughout the year, and more than 24 percent below assuming the above-stated amount of unemployment. The Federal minimum wage should be lifted to $2.00 an hour by 1968 or 1969, and its coverage extended to the limits of Federal jurisdiction under the Constitution.

The objection to prompt and adequate improvements in the Fair Labor Standards Act, on the ground that this would be "inflationary," will be discussed when we come to the subject of inflation and how to deal with it wisely and equitably.

The more generalized wage problem

The problem of inadequate wages is not limited to substandard wages. Wages in general are the dominant factor in consumer purchasing power, and the recurrent lag in consumer purchasing power behind the growth in our production capabilities is a major explanation of excess unemployment and inadequate economic growth. The dangerously disparate trends in various types of economic activity and incomes during the past four years and during the past year have already been depicted.

A major explanation of this difficulty is that the Federal Price-Wage Guideposts, while purporting to promote wage-rate gains in line with productivity gains, have not had this effect. During recent years, wage-rate gains have lagged very seriously behind productivity gains in the private economy as a whole, and even more so in the manufacturing sector where the hue and cry has been raised that excessive wage rate increases have forced prices upward.

Further unionization would also help to correct the wage lag, and this would be assisted greatly by Federal legislation obliterating the so-called "right to work" laws in some States.

VII. Replacing The Slum Ghettos: "End" and "Means" Priority In The "Freedom Budget"

The removal of the slum ghettos which now infect our cities, and of substandard housing in other areas as well, is the top specialized priority in the "Freedom Budget", as distinguished from the broader objectives of getting rid of excess unemployment and poverty. It is an "end" priority, because substandard housing is both a cause and by-product of poverty itself, and perhaps the main factor in what has been called the "self-perpetuating" nature of poverty. And it is a "means" priority, because rapid expansion of home construction, with the other outlays which it would spark, can perhaps contribute about half of the 22-27 million new jobs we need by 1975.

How many are ill-housed, and why

Although there is no satisfactory single test of what constitutes unsatisfactory housing, the 1960 Census described as "seriously deficient" about 9.3 million housing units in the U.S., or about one-sixth of the total. Allowing for what appears to be some understatement, at least one-fifth of all our people were ill-housed when the most recent comprehensive count was made.

The bad housing is occupied predominantly by the poor. According to the Census, less than 21 percent of all renter-occupied housing and only about 7½ percent of all owner-occupied housing in metropolitan areas were unsound. But in the case of occupancy

by families with incomes under $3,000, about 60 percent of the former and about 34 percent of the latter were unsound. And among consumer units with incomes under $2,000, it appears that at least 4 out of 5 lived in unsound housing.

The poor in the main are not getting decent housing because it is not "profitable" to provide it for them. Even with the protection of Government insurance through the Federal Housing Administration, far less than one percent of the new single-family homes are purchased by those with incomes under $4,000. The production of new rental housing for the poor on a "profitable" basis has been even more negligible. And the provision of new housing for the higher income groups does not enable decent housing to be "handed down" to the poor in any substantial volume. The proof positive of this is the amount of substandard housing still in use, and its highly unsatisfactory rate of reduction in recent years.

Housing goals through 1970

It is going around in circles to argue that the poor should not move into decent housing, except at the pace that they move out of poverty and are able to pay for it on their own. For the slums themselves make the individual and the family less able to move forward on their own; and without a vast rehousing program throughout the decade ahead, there cannot be the sustained full-employment environment which must underpin the whole war against poverty.

In 1965, there were about 1.5 million traditionally financed private nonfarm housing starts for middle-income and high-income families. There were only about 40 thousand starts for low-income families and for lower-middle income families combined. Measured against need, this was a travesty.

The goals which now should be established, and fortified with appropriate policies are these:

By 1968 and through 1970, we should be starting about 1.2 million traditicnally financed private nonfarm housing for middle-income and high-income families. A higher rate is neither desirable nor sustainable, because it recurrently saturates the market for this kind of housing, and explains the extreme instability of housing construction which has contributed mightily to general economic instability and high unemployment.

We should start moving upward now toward 400 thousand starts of lower-middle income housing in 1968, and about 500 thousand in 1970. This program requires an enterprising combination of private and public efforts. It calls for large increases in public outlays for aid to land acquisition and other aspects of urban renewal. There

is imperative need for powerful use of the credit of the Federal Government, either through loans or guarantees, toward very much lower interest rates and much longer terms of amortization. The Government should be making credit available for this type of housing at an interest rate not higher than the average interest rate on all outstanding Federal obligations.

Even this will not be good enough, if the Government does not combat the trend toward rising interest rates of all types, instead of abetting this trend by lifting the interest rates on its own obligations. The strategic position of the Federal Government in the money markets should be used forthrightly to drive all interest rates sharply downward.

The nonfarm housing starts for low-income families, with annual subsidies to make up the difference between the annual cost and what these families can afford to pay without excessive strains upon their overall budgets, should be lifted year by year to at least 400 thousand in 1968, and 500 thousand in 1970. Allowing for increased efforts by the States and localities, the main drive in this connection must come from translating the Federally-assisted effort from a shabby token program to meaningful proportions.

The farm population also suffers from extremely bad housing. Although this problem is most intimately connected with the general problem of the restoration of our rural people to their proper place in the economic structure (see Chapter VIII), some note should be made of it at this point. The tragic condition of the housing supply for Negroes in farm areas had only one limited example in the Mississippi delegation which set up tent cities on Lafayette Square in Washington, D. C., to dramatize the housing needs of sharecroppers throughout the rural South

Why is public housing called "unpopular"?

The alleged "unpopularity" of the publicly-assisted programs to rehouse slum dwellers arises not from the fact that they have gone too far, but rather from the fact that they have hardly made a dent. So long as this kind of housing continues to be built annually for less than one-tenth of those who need it, nine families must be excluded for every one that is taken in, the rules of exclusion are harsh and arbitrary, those taken in are plagued with rules and regulations, and driven out again when their incomes rise enough to make them deprived instead of poor. This very process breeds resentment, turmoil, discrimination, and misunderstanding, and tends to replace the old slum ghettos with new slum ghettos--more livable, to be sure. But when this housing effort rises to the challenge which confronts it, it can become as successful and as "acceptable" as in some other countries which have done so much more on this front with so much less to work with.

A sufficiently massive effort would substitute purpose for patchwork, permit more mixed-income occupancy, make living in a "project" akin to living in other satisfactory

housing, and remove from the "projects" their cruel identification as homes for the poor.

The housing program contained in the "Freedom Budget" would reduce the amount of seriously deficient housing from 9.3 million units in 1960 to 3.5 million by 1970. The rest of the job could be done by 1975.

Impact of improved housing upon urban renewal and economic growth

Although our urban renewal efforts have been grossly inadequate to date, they have run too far ahead of our efforts to replace the slum ghettos with decent housing. While the destruction of slums has been inadequate, the rehousing of slum dwellers has lagged even further. In consequence, many slum dwellers have been crowded into other slums, where they pay even higher rents because of the shortages thus created. In a more commendable effort, massive projects to rehouse the poor should be built first, and, after they move in, the slums they have left should be torn down. Parks and throughways and shiny new office buildings are all to be desired, but they do not get rid of the slums nor lift the oppression from those who live in them. They may even breed resentments by the contrasts they create. Flowers in the park do not remove the smell in the slum.

The replacement of the slum ghettos with new housing for their occupants at adequate pace would not only make other aspects of urban renewal more acceptable, but also augment them greatly. Development of community facilities and public improvements of all types would follow in the wake of the needed housing effort. More would be spent for every commodity which enters into housing and other urban construction, and for furnishings and equipment within the structures.

About half a million more new housing starts per year during the next decade than in 1965, or 5 million more for the decade as a whole, would probably entail for the decade as a whole about 50 billion dollars more of direct housing investment than would result from maintenance of the current level of housing starts. Considering the unusually high multiplier effect of housing on other outlays, the incremental spending over the decade might aggregate 100 to 150 billion dollars. Construction employment would rise, from a 1965 base, about 35 percent by 1970, and about 53 percent by 1975.

Accompanying social benefits

The social benefits would be even greater, though less subject to quantification. The crime, juvenile delinquency, and disease which concentrate in the slums would be reduced. Making our cities decent places in which to live would reduce the egress of the affluent to the suburbs. It would at least slow down the process whereby we are

now inexorably becoming two Americas--with the poor forming increasing proportions of those living in the cities, while others move out. And with the affluent and influential forming a reasonable proportion of the total city population, the cities would have both the means and the will to finance adequately the popular services which are now being starved--with this starvation feeding the very poverty which it reflects.

VIII. Agriculture, Natural Resources, And Regional Development

Our farm people and the farms on which they work are among our most important resources. But these resources have been sorely neglected. Millions of acres have been retired from production, despite widespread malnutrition among the poor at home, and starvation among hundreds of millions overseas. Millions of farmers have been forced off the land, to find for the most part unemployment and poverty elsewhere. Even now, on a family or *per capita* basis, the concentration of poverty is about 2½ times as high in agriculture as in the nonfarm economy. Despite considerable improvement in farm income during the past year, *per capita* farm income from all sources in 1965 (measured in 1963 dollars), was only $1,565, and *per capita* income from farm sources only $1,035, compared with *per capita* nonfarm income of $2,700. This, after a generation of efforts to bring our farm people up to income parity with others.

A long-range full employment, production, and purchasing power budget for agriculture is an essential part of the "Freedom Budget." The main features are: (1) Goals to assure adequate, balanced, and pleasant diets for the U.S. poor, without waiting until they are no longer poor, through expanded food stamp and other distributional programs; to meet the growing food and fiber needs of our growing population in an economy and industrial system expanding at optimum rates; and to enlarge vastly our exports of foods and fibers to the half of the world where most of the people go hungry. (2) Goals to maintain our farm population and farm lands at levels which will assure the needed volume of output. Even allowing for the uniquely rapid advance of technology and productivity in agriculture, this will require a virtual stabilization of our farm population during the next decade, plus large increases in acreage and livestock breeding units. It will require that submarginal farmers receive the credit, incomes, tools, and skills to become self-sufficient, farmily-type farmers. (3) Goals to eradicate farm poverty, and to bring farm families very close to parity of incomes with others by 1975. This will require a gradual shift from price supports to income supports, and determined efforts to channel the help to those who need it most instead of those who need it least. (4) Goals for improved public services in rural areas,

where they are even more deficient than elsewhere, with respect to education, health, subsidized housing for those who need it, and social security and welfare payments. This will require the reconstruction of all of these programs as dealt with elsewhere in the discussion, and ever-increasing recognition that the Federal Government must use its powers of spending and taxation as an "equalizing" force. It is noteworthy that some of the States which are spending least on a per capita basis for these public purposes are spending most relative to their wealth and resources.

These goals for agriculture depend upon a complete reversal of recent and current attitudes toward farm outlays in the Federal Budget. These outlays have been pounded for many years, even from sources which should know better, on the ground that they are "wasteful". Certainly the farm program, like most other programs, could be more efficiently conducted. But most of the money expended under the farm program has not consumed our economic resources; it has merely redistributed them so that the farm population has received a larger share than it otherwise would, even though a totally inadequate share. This has not only achieved a moiety of justice for the farm population, but it has also been immensely beneficial to all the rest of us. It has protected the whole economy from the catastrophic declines in farm incomes and prices which used to spark general economic downturns of severe size with considerable regularity throughout our history before World War II.

The help extended to the farm population by the nation at large under national farm programs, constantly subjected to hue and cry on the ground that it is "excessive" should be measured against the real benefits conferred by the farm population upon others. Despite the talk about rising food prices (for which the farm program is only in part responsible because much of the rise at the consumer level is due to other factors), the American people today are fed more bountifully than ever before, and their food costs have come to occupy a constantly declining portion of their total budgets. The farm population, which is providing this service to the whole American public, for an income return coming to little better than half of income parity with others, is really subsidizing others, instead of others subsidizing it.

Conservation and replenishment of natural resources

Resource development in the United States has far from kept up with the requirements of a rapidly-growing population, immense population shifts, and industrial development. Critical shortages of water and power persist in many highly populated areas. Airs and waters remain polluted. Recreation facilities are unavailable for those who need them most.

These quantitative and qualitative shortages are closely connected with the whole problem of poverty and unemployment. Shortages of any kind tax the poor more than others. Recreational facilities will always remain adequate for those who have the means to get there, and to pay for what it costs to stay there. The needed programs of resource conservation and replenishment would provide millions of jobs, and, as in the case of housing and urban renewal, would have the additional merit of a high product mix of relatively less skilled jobs. And this is what is most needed without delay for the majority of those among whom unemployment is most heavily concentrated.

Our resource development programs should also intensify the industrial development of atomic energy, with sufficient public controls to make this energy the servant

of the people, instead of a source of excessive private gains.

The "Freedom Budget" includes a long-range budget on this whole front.

Regional development and the distressed areas

There are wide variations in the amount of poverty and unemployment from region to region. The most drastic and tragic aspects are to be found in the so-called "distressed areas." Thus far, the programs in Appalachia and elsewhere are merely nibbling at the fringes of these problems. Attempts to "solve" these problems by moving people from the distressed areas to other areas, or by attracting industry and employment from other areas to these distressed areas, will remain merely robbing Peter to pay Paul until we have a sustained full-employment environment.

Most important still, the ad hoc treatment of the "distressed areas" must be massive and comprehensive enough to embrace full-scale programs for economic development. It has been a generation since we developed one TVA. With appropriate modifications, we need many of them.

Above all, the plans for relief of the "distressed areas" and for regional development must be integrated with a "Freedom Budget" of nationwide scope and purpose. Without this, the public outlays essential in the stricken areas will not receive the support of the American people as a whole.

IX. Direct Investment In Human Resources: Education, Training, And Health

Nothing said earlier in this discussion should be construed as playing down the role of personal improvement as a factor in economic and social progress. The intent has been merely to appraise more carefully the extent to which these specialized efforts bear upon problems of unemployment and poverty. Moreover, valuing the individual above all else, we should honor better education and training and health because they enlarge the individual in all respects, rather than merely as aids to job and more income. We would need more and more of these programs, even if everyone were employed and affluent.

Education

For more than twenty years, the quantitative and/or qualitative shortages of classrooms in our public schools have been accumulating. Instead of remedying them adequately, we have tended to reduce the estimates of shortages. We need, for at least six years ahead, and very conservatively stated, a construction program of more than a hundred thousand public classrooms a year. This would require outlays of about 27 billion dollars. Allied with

this, we need during the next six years about a hundred thousand new teachers per year in the public schools, allowing for retirements and other withdrawals, the current shortages, and population growth. It is estimated that not more than two-thirds of this need will be filled, without improved teacher-preparation programs, and much higher pay.

With respect to higher levels of education, it has been estimated that there are now at least 200,000 young people who are ready for college but lack the means; the figure is probably much higher, and this problem is acute among young Negroes. The number will increase, in consequence of the very high birth rates during the early postwar years, and further improvement in secondary education. Comparing 1975 with 1963, the number of students who should be enrolled in schools of higher learning should approximately double. Under existing programs, neither the facilities nor the personnel will be available to meet these needs.

With the States and localities straining their budgets, their borrowing capacities, and their available sources of revenues, a very large share of these needs must be met by the Federal Government, if they are to be met at all. This has long been recognized by all in every way--except programmatically.

Training and retraining

The very commendable training and retraining programs for the poor and deprived, and mostly the young, under the Economic Opportunity Act are essential and should be greatly increased. This is also true of general manpower efforts. But even when increased, they alone are not enough. Handicapped workers need more attention. Vocational training needs to be greatly expanded. Federal aid in the form of relocation allowances should be instituted.

We need to draw a sharper distinction between education and training for preparation to enter the labor force, and education and training to upgrade the existing labor force--and do much more in both categories.

The main advances in all of these areas must come, if they are to come at all, through very great enlargement of public outlays in the category of labor, manpower, and other welfare services. But as urged throughout, these can be brought into clear focus only if used as auxiliaries to programs which create jobs.

Health services and research

The recent enactment of Medicare, after years of struggle, evidences recognition by the American people and their elected representatives that medical care should be brought into line with the advance of medical science, at costs which the recipients can afford to pay. But Medicare touches only a small fraction of those within our population who cannot obtain adequate medical care at costs within their means. Only

one-third of all families with incomes under $2,000 a year have health insurance, compared with three-fourths of all American families. About 60 percent of the hospital patients in the lowest income groups have none of their bills paid by insurance, and this runs up to 72 percent in the case of surgical patients. Although there is a direct correlation between low incomes and practically all types of disease and mortality, the hospitalization rates for nonwhites, where poverty is so highly concentrated, is 20 percent lower than for the population as a whole.

We should approximately double within the next ten years the annual rate of outlays for hospital construction, merely to keep pace with population increases, to serve even the most essential requirements for replacement and modernization, and to provide indispensable facilities for out-patient care. Even such efforts would do no better than cut in half the severe current shortages by ten years from now. In addition to hospital construction, there is need for expanding rehabilitation and out-patient facilities. This should include diagnostic and treatment clinics; facilities for long-term care; nursing homes, especially for the elderly; and public health and mental health clinics.

The shortage of health personnel has by now become alarming. It is estimated that, even to maintain the present very deficient ratios of health personnel to population, the number of physician graduates must be increased by 50 percent by 1975, and the number of dentist graduates doubled. Programs now in evolution will not meet this need.

In the field of medical research, the pending programs of the National Institute of Health and other agencies, both public and private, give promise of significant breakthroughs in scientific fields. But great gaps still remain. The dollar-and-cent cost of those disabilities which medical knowledge has not yet been able to prevent or reduce significantly are staggering. Cancer disabilities alone cost nearly one-half billion dollars per year in lost earnings, aside from the cost in lost production. The human cost is incalcuable.

All in all, seriously inadequate medical care now handicaps about 40 percent of our population--which is not far different from the numbers who live in poverty or deprivation. The genuine answer is a nationwide, universal system of health insurance. Experience with Medicare, and enlarged medical facilities and personnel, would establish a stronger base for this program. The battle for its enactment, abandoned many years ago, should now be resumed.

X. Help For Those Who Cannot Help Themselves: Social Insurance And Welfare Payments

Even in a full-employment environment, and with adequate pay for those employed, there will be those who cannot or should not work. Within this category, as already noted, we find those who, with their dependents, come to about two-fifths of all the U.S. poor. Our economic strength and our social conscience both dictate that we should allocate to these people a fair and decent share of our total national product and income. And increasingly, we should put these payments to those outside the functioning economic system on a basis which no longer requires that they be poor, or prove themselves poor, in order to receive such payments. They should receive them as a matter of right. A steady and growing flow of income to these people, rationally determined within the perspective of the "Freedom Budget," will also help to maintain a full-employment environment for others.

OASDHI and public assistance for the elderly

The original intent of the nationwide old-age insurance system, established in 1935, was that within a generation or so our senior citizens would receive, as a matter of right, payments adequate to maintain an American standard of living. But the improvements in this system from time to time have neither kept up with the cost of living nor been fully responsive to our nationwide gains in per capita income and wealth.

President Johnson has initiated substantial progress along this line. The 1965 amendments to the Social Security Act extended benefit rights to additional groups of people, and eased the requirements for entitlement. The first impact of these changes was felt in September 1965, when both the number of beneficiaries and the amount of benefits increased. The title of the program has been changed from OASDI to OASDHI, reflecting the inclusion of contributions for health insurance for the aged, although beneficiaries will not actually receive such benefits until July, 1966.

As of now, it has been estimated that, among those aged 65 and over receiving OASDHI benefits, between two-thirds and three-fifths live in poverty, taking into account their incomes from all sources. And millions of them are not pressing against the poverty-income ceiling, but are from 25 to 50 percent below it. Even in October 1965, the average OASDHI benefit to retired workers was only $84.00 a month, or at an annual rate of only $1,008.00. The annual rate of payment was less than $1,550 for a retired couple, and only slightly above $2,900 for a four-person family with a widow and three children.

There are now more than 20 million people receiving OASDHI benefits, and there will be 10 million more within a few years. The average size of these benefits should be at least doubled within five years. The complete reliance of this system upon payroll taxes is highly regressive, and the building of "reserves" analogous to those in a private system has no real merit in a public program. While it is too late to start afresh, a major portion of the sums required to lift the benefits under OASDHI should be contributed by the Federal Government, and financed on an annual basis through the progressive income tax.

While it was the original intent of the OASDHI system that the Public Old Age Assistance Program would gradually disappear, there remained in October 1965 more than two million recipients of this assistance. Among those aged 65 and over receiving Old Age Assistance but not receiving OASDHI benefits, about nine out of ten live in poverty. In October 1965, the average old-age assistance monetary benefit was only $61.16 a month, or $733.92 a year ($79.19 a month, including nonmonetary medical vendor payments). Average benefits varied enormously by State, ranging from more than $112 a month in New Hampshire to $39.15 in Mississippi. Adding insult to injury, many of these old people are forced to take the humiliating equivalent of a pauper's oath before they qualify for assistance.

With greatly increased Federal aid, the same retirement and income goals should be sought for our senior citizens helped by pensions as for those helped by insurance, and for those who, for one reason or another, receive neither. There is also room for very substantial improvement in those aspects of aid to the elderly which deal not with old-age assistance proper, but with other types of assistance including medical help.

Other deficiencies in welfare programs

The average size of public payments to the aged for medical assistance varies tremendously from State to State. While the nationwide monthly average in October 1965 was about $184, the average was only $34.74 in Kentucky, $25.27 in West Virginia, and $11.94 in Nevada.

In October 1965, the average monthly aid in the form of payments to the blind averaged $89.17, including nonmonetary payments. Meanwhile, the State public assistance payments to the permanently disabled and totally disabled averaged only $63.22 monthly in monetary terms, and only $86.47 including nonmonetary vendor payments. Under OASDHI, the average monthly payments to disabled workers, converted into their yearly equivalent would provide less than $1,595 for a family consisting of a disabled worker and his wife, and less than $2,400 a year if there are also two children. In many of

the State laws, regulations and restrictions, as to the degree and proof of disability in order to qualify, work seriously against effective help.

None of these data reflect the immensity of the neglect, because the number of recipients represents only a small fraction of the total need. The average number of recipients per month under the State programs of payments to the aged for medical assistance is now less than 300,000.

In a broad sense, the concept of the general welfare extends to practically all of the types of specialized public payments which have thus far been depicted. In addition, help is extended to others, such as needy families with dependent children. But in October 1965, this assistance averaged only $34.95 monthly per recipient, which on an annual basis would come to less than $1,260 for a family of three. And about 86 percent of the families receiving this type of aid receive no other type.

The States have developed a special category of payments in the form of general assistance. The average monthly payments per case in the general assistance categories was only $32.08 in October, 1965. The most glaring example of neglect in the whole field of welfare action has been the enduring failure of the Federal Government to make any contributions to State programs of general assistance.

Legislation to provide cash maternity benefits is virtually nonexistent in this country. Yet there are at least 15 million children, of whom 4 million are under 6 years of age, and 5 million between 6 and 11 years of age, who have mothers working outside the home. There are about half a million fatherless families, with children under 6 years of age, whose mothers are in the labor force.

Toward a unified nationwide system of guaranteed incomes

The guaranteed annual income is a highly desirable goal, designed to assure a nationwide and universally guaranteed decency standard of income for all those who legitimately cannot obtain it through their own efforts. It is based on the inescapable fact that an economy as rich and powerful as ours cannot countenance widespread deprivation, much less widespread poverty. One immediate need in this direction is greatly increased Federal assistance in all of the welfare categories; another is Federal entry into the field of general public assistance. Beyond this, and even more important, there is need for gradual elimination of the whole patchwork of *ad hoc* public assistance programs, which are highly inefficient and costly relative to their results and which tend toward pauperization of recipients, and substitution of the unified guaranteed income.

But this proposal for a guaranteed annual income becomes excessive and unattainable when not founded upon recognition that it should be supplementary to rather than in lieu of a nationwide full-employment policy. Indeed, it is even more important that the Federal Government guarantee sustained full-employment than that it guarantee incomes for all. To put this in a preferable way, a Federally guaranteed full-employment policy should be at the very heart of a guaranteed-income policy. This Federal full-employment policy should undertake forthrightly and immediately to provide jobs at adequate wages for all those who should be participating in gainful employment, but who cannot be or are not gainfully employed at other levels of private and public responsibility. Aside from the fact that practically any type of employment is better than unemployment on all grounds, our unmet national needs in the public sector which require massive Federal action if they are to be serviced means that this type of employment would be of no less value in terms of goods and services created than other types of employment, and of far more value than a substantial part of current and prospective employment directed toward the production of relatively less desirable goods and services.

Unemployment insurance and workmen's compensation

Many of the State unemployment insurance systems are miserably inadequate, as to duration of benefits, size of benefits, and sufficiency of available funds. With

improved Federal standards and large Federal contributions, we should move immediately toward making unemployment insurance payments the right of all those unemployed through no fault of their own, for as long as they are unemployed, and with an average benefit payment at least half the average full-time working wage (or more than this, if that be required to comport with the goal of a guaranteed income at decency levels).

With increased Federal aid, disability coverage under public assistance and OASDHI should be as broad as the broadened coverage under unemployment insurance, and disability payments should be lifted to adequate standards as to amount and duration.

All of the States and the District of Columbia have workmen's compensation laws, but these are still very weak. In only about half the States is the compensation compulsory; benefits in general are very low; death benefits and duration of payments to widows are seriously limited; payments for medical care and rehabilitation are very inadequate; and operations in general are seriously impaired by a variety of undesirable restrictions bearing upon eligibility. The time has come to utilize Federal standards toward the needed improvements in workmen's compensation, which should be guided by the same considerations set forth in connection with unemployment insurance.

In sober truth, the levels of our social welfare outlays in the aggregate cannot stand up under any reasonable test. Expressed in uniform dollars on a <u>per capita</u> basis, nationwide publicly financed social outlays have advanced very slowly during the past fifteen years. Measured in ratio to total national production, they have been virtually stationary since 1961. The 1964 ratio of 7.7 percent (excluding outlays for education) was appallingly low, in terms of our real priority needs.

XI. <u>The Role Of The Federal Budget In The "Freedom Budget"</u>

Just as our Federal Government is the leadership agency for implementing the "Freedom Budget," so the Federal Budget is the main instrument of national economic policy. It identifies our national priority needs, whether adequately or inadequately, and through expenditure and tax programs allocates resources in accord with this identification.

In recent years, the Federal Budget, granted that it has had to carry a heavy national defense program, has not responded adequately to these great priorities of our national needs. Measured in ratio to total national production, conventional Budget outlays were 17.7 percent in fiscal 1947, the first full year in an economic sense after World War II. By 1961, they had declined to 16.08 percent, and for fiscal 1967 are estimated at 15.05 percent. This downward movement has also had an adverse effect

upon employment and economic growth. In 1964 dollars, on a per capita basis, measured against a growing population, the figure for all domestic programs in the Federal Budget was $230.91 in fiscal 1947, and $198.04 estimated for fiscal 1967.

Proposed priority programs in the Federal Budget

To help implement the great priorities of our national needs, described above in some detail, and with full allowance for private and for State and local action, a Federal Budget is incorporated in the "Freedom Budget."

This Federal Budget is reconciled with all major goals for employment, production and incomes in the "Freedom Budget."*

The "Freedom Budget" makes no attempt at independent judgment as to our national requirements in the category of national defense, space technology, and all international. But in order to make clear how much room there is for fulfillment of the great priorities of our domestic needs, it adopts in this category what might be called the composite judgment of informed experts. On this basis, total Federal Budget outlays in this category would rise from 70.018 billion dollars in fiscal 1967 to 87.500 billion dollars in calendar 1975, but would decline from 9.34 percent to 7.81 percent of total national production in a properly expanding U.S. economy. If these estimates should turn out to be too high, there would be just that much more room for domestic programs.**

For all domestic programs, starting with the actual for fiscal 1967 and projecting goals for calendar 1970 and 1975, total Federal Budget outlays should rise from 42.829 billion to 57.500 billion and then to 67.500 billion; on a per capita basis, they should rise from $198.04 to $275.12 and then to $298.67; as a percentage of total national production, they should rise from 5.71 to 6.55 and then decline to 6.03.

For the Economic Opportunity program, total Federal Budget outlays should rise from 1.600 to 4.000 and then to 6.000 billion; on a per capita basis, from $7.39 to $19.14 and then to $26.55; and as a percentage of GNP from 0.21 to 0.46 and then to 0.54.

For housing and community development, total Federal Budget outlays should rise from 0.123 to 3.350 and then to 3.800 billion; on a per capita basis, from $0.57 to $16.03 and then to $16.81; and as a percentage of GNP from 0.02 to 0.38, and then decline to 0.34.

---

*See Chart Three.

**Fiscal 1967 portrayals of total outlays are in current dollars. All other portrayals are in 1964 dollars to make them consistent with other phases of the analysis and goals.

For agriculture and natural resources combined, total Federal Budget outlays should rise from 6.434 to 10.500 and then to 12.000/ billion; on a per capita basis, from $29.75 to $50.24 and then to $53.10; and as a percentage of GNP from 0.86 to 1.20 and then decline to 1.07.

For education, total Federal Budget outlays should rise from 2.834 to 7.000 and then to 9.500/ billion; on a per capita basis from $13.10 to $33.49 and then to $42.04; and as a percentage of GNP from 0.38 to 0.80 and then to 0.85.

For health services and research, total Federal Budget outlays should rise from 3.621 to 4.800 and then to 7.000/ billion; on a per capita basis, from $16.74 to $22.97 and then to $30.97; and as a percentage of GNP from 0.48 to 0.55 and then to 0.62.

For public assistance, and labor, manpower, and other welfare services, total Federal Budget outlays should rise from 4.741 to 6.600, and then to 7.500/ billion; on a per capita basis from $21.92 to $31.58 and then to $33.18; and as a percentage of GNP from 0.63 to 0.76 and then decline to 0.67.*

Reasonableness of the Federal Budget projections

There are various ways of measuring the reasonableness of these Federal Budget projections, and indicating that they would neither distort the traditional balance between Federal actions and other public and private actions at all levels, nor impose an excessive strain upon the Federal Budget.

First, the Federal Budget in calendar 1970 would be only 15.38 percent of projected total national production, and in calendar 1975 would be only 13.84 percent. This contrasts with an average of 16.16 percent for the fiscal years 1974-1967 (1967 estimated)

Second, looking at the economy as a whole, including non Federal public outlays, projected public outlays for goods and services at all levels would be 20.4 percent of GNP in 1970 and 19.6 percent in 1975, compared with 19.8 percent in 1965. Private consumer outlays would be 63.3 percent of GNP in 1970 and 63.5 percent in 1975, compared with 63.7 percent in 1965. And gross private domestic investment would be 16.3 percent of GNP in 1970 and 16.9 percent in 1975, compared with 16.5 percent in 1965. These portrayals are for calendar years.**

Third, the total Federal Budget, which stood at 101.4 billion dollars in calendar 1965, would rise to 135 billion in calendar 1970, and 155 billion in calendar 1975. Thus, the Federal Budget in 1975 would be less than 54 billion dollars higher than in

---

*See Chart Four.

**See Chart Five.

1965. For the decade as a whole, Federal outlays would aggregate about 330 billion dollars more than if the Federal Budget remained stationary at the 1965 level. This appears to be a quite moderate allocation to the great priorities served by the Federal Budget, as it would be less than one-seventh of the more than 2.4 trillion dollars by which our total national production in the decade ahead would be in excess of projection ahead at the 1965 level.

Fourth, total Government purchases of goods and services at all levels would rise from 131 billion dollars in 1965 to 220 billion in 1975, an increase of about 90 billion. For the decade as a whole, these outlays would aggregate about 506 billion dollars more than if they remained stationary at the 1965 level. This also seems moderate, coming to not much more than one-fifth of the more than 2.4 trillion aggregate increment in total national production.

Fifth, from 1962 through 1965, Federal tax reductions and concessions had an annual value in the aggregate of close to 20 billion dollars when fully effective. In the decade ahead, this surrender of Federal revenues would aggregate about 200 billion dollars, without allowing for the fact that a growing economy increases the annual value of given rate reductions in taxes. This allowance might well increase the aggregate cost of these already-enacted tax cuts to 300 billion in the decade ahead. Having comitted the Federal Budget to this amount of tax reduction, we can certainly afford to increase Federal Budget outlays by only slightly more than this--about 330 billion dollars--in the aggregate in the decade ahead. For every dollar of such increased outlays, unlike a dollar of tax reduction, can be pointed directly toward what the nation and the people need most.

Tax implications of the proposed Federal Budget

It is reliably estimated that the increased tax revenues accruing each year to the Federal Government from economic growth at existing tax rates may lift Federal tax collecticns by about 8 - 10 billion dollars a year on the average during the next ten years. For the decade as a whole, about 400-550 billion dollars more would be collected in Federal taxes than if tax collections remain stationary at the 1965 level--i.e., if the U.S. economy did not grow. This 400-550 billion dollars in increased tax collections would be tremendously in excess of the estimated 330 billion dollars representing aggregate increased Federal outlays over the decade. This huge difference could be devoted in part to properly-placed tax reductions, or to help States and localities which are much harder pressed in financial terms than the Federal Government.

Allowance for excessive optimism in the estimates

It may be argued that the projections for U.S. economic growth are too high, and that therefore there would be less room than has been estimated for utilizing the Federal Budget along the lines indicated above. The first answer to this argument is contained in the demonstration just above, showing the vast margin between estimated increased Federal outlays and estimated increased Federal tax collections at existing tax rates. The second and far more important argument is that the very meaning of priorities is that they should receive first call upon our resources; and there is plenty of room in the national economy--if necessary--to use some properly devised tax increases to cut back on what we need least in order to take care of what we need most. This point is elaborated further in the following discussion of the inflationary problem.

XII. The Moral Aspects Of The Problem Of Inflation

The nature of the resistance in some quarters to the "Freedom Budget" is not unpredictable. Its goals will be accepted as worthy, but held undesirable in part on the ground that they would be "inflationary." It is none too early to provide objective answers to any such doubts about the "Freedom Budget."

A balanced view of the inflationary danger

The desirable purpose of avoiding price increases, and especially those affecting the cost of living, has undoubtedly led to gross exaggeration of inflationary dangers in the U.S. economy. From 1929 through 1965, the average annual increase in consumer prices was about 1.8 percent, in wholesale prices about 2.2 percent, and in industrial prices about 2.1 percent. This has not been a high rate of price advance, when compared either with earlier periods in American history or with experience overseas.

Moreover, the bulk of these price increases occurred during the World War II and reconversion eras, and during 1950-1951 within the Korean war era, when the Chinese intervention led to very drastic and sudden changes in expectancies and to a good deal of scare buying. These two inflationary movements could have been checked much more effectively by higher taxes during World War II and less precipitate abandonment of controls immediately thereafter, and by more prompt imposition of controls during the Korean war. Be that as it may, nobody said in those times that the need to curb inflation should cause us to cut back on what we needed most. Instead, we accelerated what we needed most, and cut back on what we needed least.

Aside from these two wartime eras, which are entirely dissimilar to anything now confronting us, the period from 1929 through 1965 netted virtual stability of con-

sumer, wholesame, and industrial prices.

In addition, experience during the past decade has tended to discredit the classical dogma that there is a necessary and unavoidable direct correlation between the rate of economic growth, and how close we are to full employment, and price inflation. Price inflation was severe on the average during the period 1955-1958, within which we experienced a substantial economic recession, netted practically no economic growth, and witnessed very large increases in unemployment. In contrast, the years 1960-1965, when we accelerated greatly the rate of economic growth, and reduced substantially the amount of unemployment, registered an average annual increase of only 1.3 percent in consumer prices, 0.3 percent in wholesale prices, and 0.2 percent in industrial prices.

It is true that price increases have been considerably larger than this during the past year and in recent months. But these do not yet justify reversion to the classical dogma that periods of stagnation and unemployment in the long-run net less price inflation than periods of optimum economic growth and full employment (short of the hyper-pressures of a full-scale war, or very drastic changes in expectancies, such as during 1950-1951).

Nor have those economists and others who repeat again and again that a moderate amount of price inflation is inequitable, and hurts those most who need help most, attempted any convincing documentation of their thesis. A moderate long-range upward movement of prices is not in itself beneficial. But it may well be argued from U.S. experience that the economic conditions and public programs during such periods have yielded more equity and more improvements in income distribution than those periods where stable prices have been accompanied by neglect of the needs of the nation and the people. Aside from falling farm prices, the period 1922-1929 was characterized by a remarkably stable price level. But sins of commission and omission on public and private fronts steadily worsened income distribution, hurt those who needed help most, and ultimately brought on the Great Depression. The stock market crash was only the spark.

However, it is not the purpose here to get involved in debate as to the relative merits of a stable and moderately rising price level. The "Freedom Budget" is willing to assume that a virtually stable price level may be desirable, and that "inflation," even in small doses, is undesirable. The real economic problem is <u>how</u> we combat inflation or the threat of inflation, and this is at bottom a moral or social question.

<u>The moral or social question</u>

Insofar as inflationary pressures result from attempting to do more than our

resources will permit at their current state of development, we must obviously cut back on some things. But what should we cut back on?

If the increased expenditures for the Vietnam war in themselves were to place excessive pressure upon our productive resources (which seems unlikely, in that these increases amount to much less than the current economic slack), it would not be the national policy to avoid these increased defense outlays. Instead, through higher taxes, we would cut back on something else. This would amount to saying that the increased defense outlays were a top national priority.

But for reasons stated at the very outset, this is not our only high national priority, and we would come a cropper if we acted as if it were. The other great national priorities set forth in the "Freedom Budget" are also highly important, and far more important than scores of billions of dollars of current consumption for some purposes, and the investments and production facilities utilized to serve such consumption. To reject this thesis in whole or part, in the actual evolution of our national economic policies, would be deciding that the goals of a Great Society should bear the costs of a limited war, while others batten on the even greater "prosperity" which the stimulous of additional war-spending provides.

Expressed differently, while those concerned with the prevention of inflation insist that they want to prevent its cruel ravages upon the least protected and least fortunate, the above-cited method of combating inflation would do just the reverse.

Even before the new situation in Vietnam, some of our national economic policies afford vivid examples of how an avowed campaign against inflation has redistributed income in the wrong direction, hurt those who need help most, and helped those most who need help not at all. It has been estimated that, from 1953 through 1965, the policy of tight money and rising interest rates has transferred about 60 billion dollars on net balance. Most of these transfers have been toward those who did not need this income supplementation. Most of these transfers have been away from those paying the higher rates of interest: the homeowner in the lower half of the income structure, including the poor; the worker buying a second-hand car on time to drive to his place of employment; the family buying a television set on time, so that those among its breadwinners who are not employed may have something to watch; the family borrowing to finance an illness of long duration or to send a child to college; the small businessman and the farmer who are far more dependent upon credit than the industrial giants whose overinvestment programs are not curtailed by tight money or rising interest rates. Even now, the Federal Government is paying out more than 4

billion dollars more in interest payments than if the interest rates of 1952 had been maintained, and this alone comes to about 2½ times the fiscal 1967 Federal Budget item for the Office of Economic Opportunity. The same policy has done even more damage to States and localities endeavoring to perform essential public service.

These excess interest payments during the thirteen-year period 1953-1965 inclusive have involved annual income transfers af about 5½ billion dollars a year. Such income transfers, used in different ways through different programs, could have increased for each of these thirteen years by more than $600 the incomes of all of the families in the U.S. with annual incomes under $3,000, or increased by more than $3,000 in each of these years the incomes of all the families in the U.S.with incomes of under $1,000.

The technical experts may continue to argue whether this monetary policy has helped or hurt the performance of the economy as a whole, with some of them taking the latter view. But we certainly could devise methods to control inflation, more selective in nature, which would accomplish better economic results and not fly in the face of all our social and human purposes.

While the monetary policies have been used to fight inflation, tax cuts having an aggregate annual value of close to 20 billion dollars were undertaken from 1962 through 1965 for the opposite purpose of stimulating the economy. There are differences of viewpoint as to whether this was the most effective way of providing economic stimulation. In the current situation, there is now a growing recognition that the investment boom in plant and equipment has become excessive and is the main danger of an inflationary nature. But regardless of this, a large part of the increased output and job opportunities resulting from the tax cuts served national purpose of far lower priority than those which would have been served by a different balance between tax cuts and increased Federal spending, and this new balance is required in future.

Taking together the interest payment transfers having an average annual value of about 6 billion dollars, and the tax cuts to stimulate investment having an annual value of not far from 9 billion, the total comes to about 15 billion. This is more than the amount that would be required to lift all of the 34 million poor in the U.S. (continued on page 41)

above the poverty-income ceiling. Even allowing for some differences in interpretation, this leaves no room for the argument that we cannot afford to do what we need most.

Under any circumstances, it would be monstrous distortion of our values as a nation and a people to argue that we should balance the desirability of reducing unemployment (and meeting the other priorities of our national needs) against the prospects of some increases in the price level. Nothing could be more unjust than to ask unemployed breadwinners or the inhabitants of the slum ghettos to bear the cost of assuring the affluent against some increases in the prices they pay for a third car in the garage, or another fur coat, or even a few more steak dinners per week. If, in truth, the pressures upon our productive resources became more severe than is now apparent, let us by all means act against inflation--but act with fairness and regard for values.

We may be able to carry forward the great priorities of the "Freedom Budget" without substantial tax increases, which in large measure would merely repeal tax cuts of very low priority. But if not, we should impose the burden where it can easily be borne, instead of fastening it around the necks of the downtrodden.

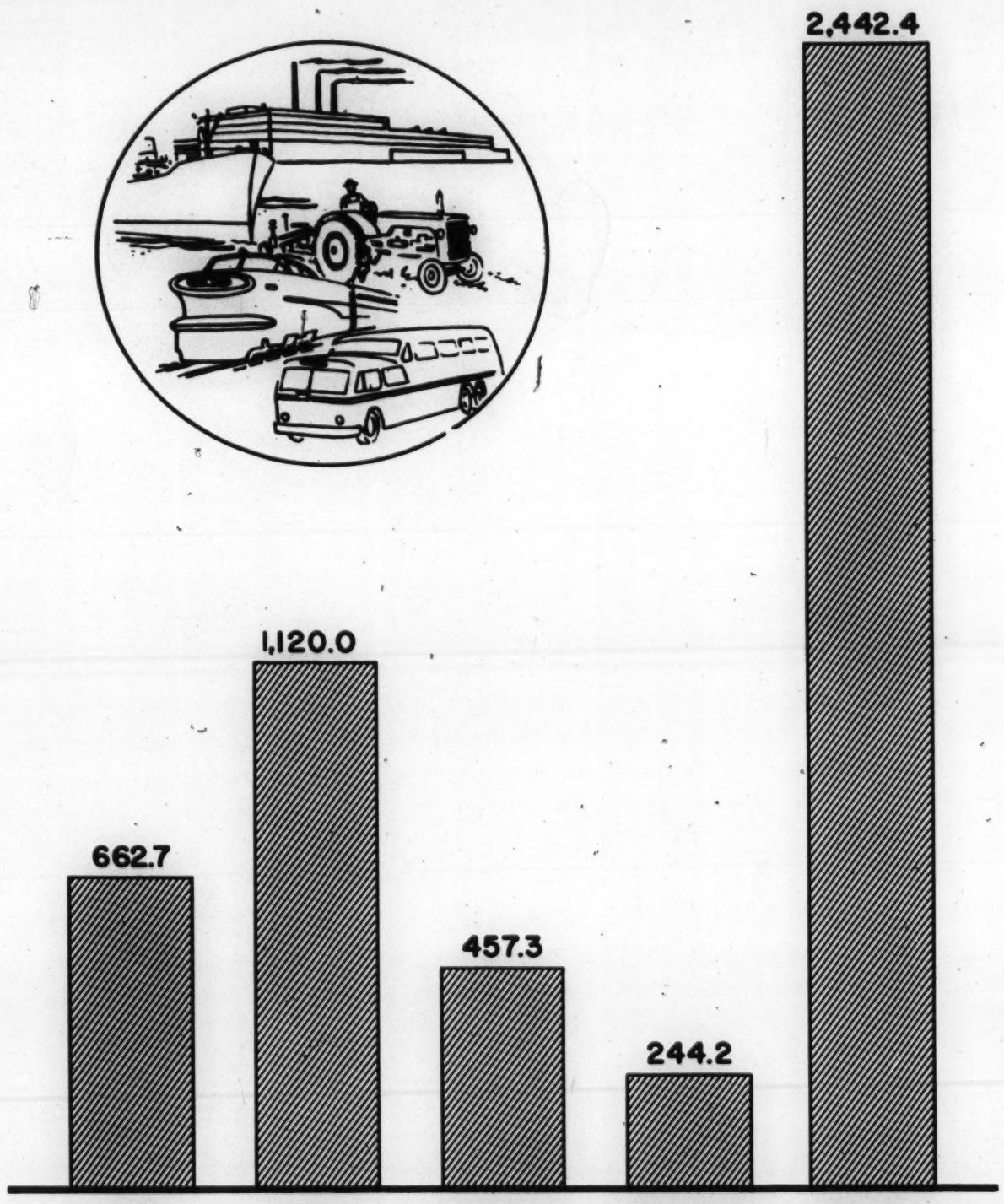
These deviations from appropriate economic and social policies in the past, and any threat of further deviations in the future, do not result from ill-will. They result because we have not yet made an adequate budget of our needs and resources, identified priorities accordingly, and adjusted policies and programs to meet these goals.

All this the "Freedom Budget" would enable us to do. It would reconfirm our power to act, improve our sense of direction, and fortify our sense of justice. It would rally to the support of its objectives the American people, and their leaders in every walk of life. It would combine economic progress with moral purpose. And that is the true role of our great democracy in a troubled world.

SEE CHARTS ATTACHED

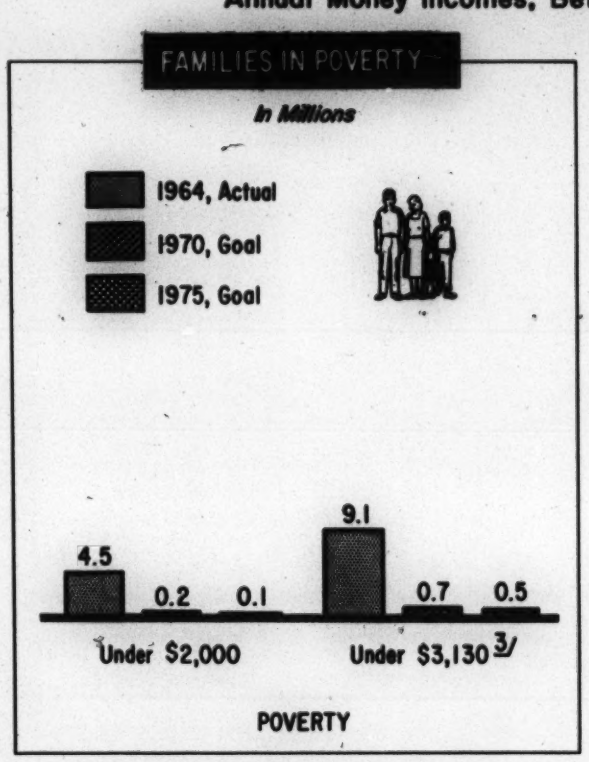
HOW MUCH WE HAVE TO WORK WITH, 1965-1975
BASED ON ECONOMIC GROWTH PROJECTIONS

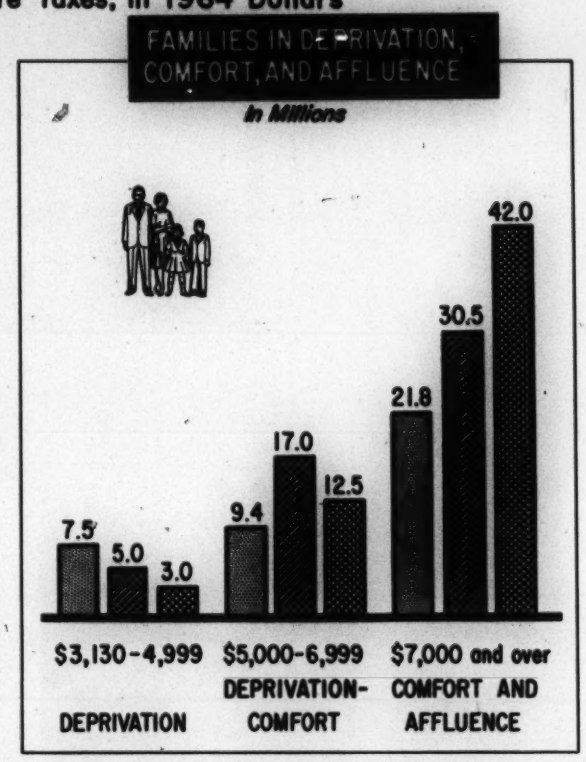
GNP in Billions of 1964 Dollars

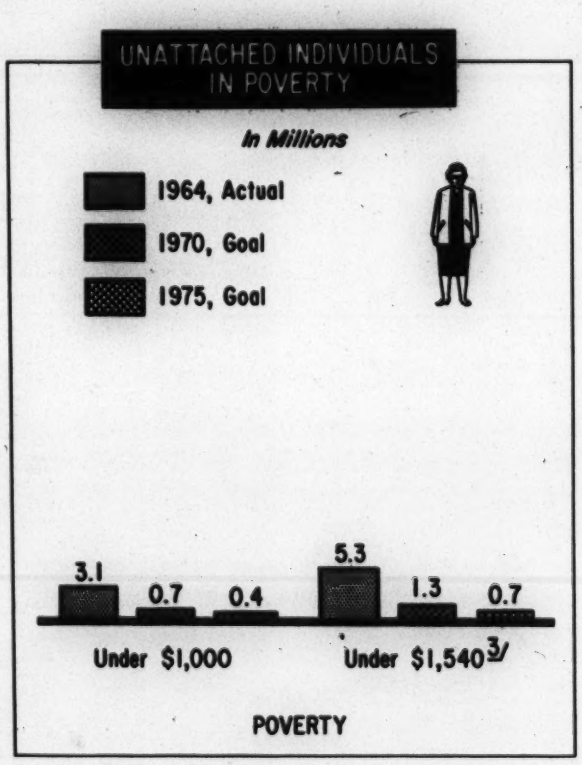


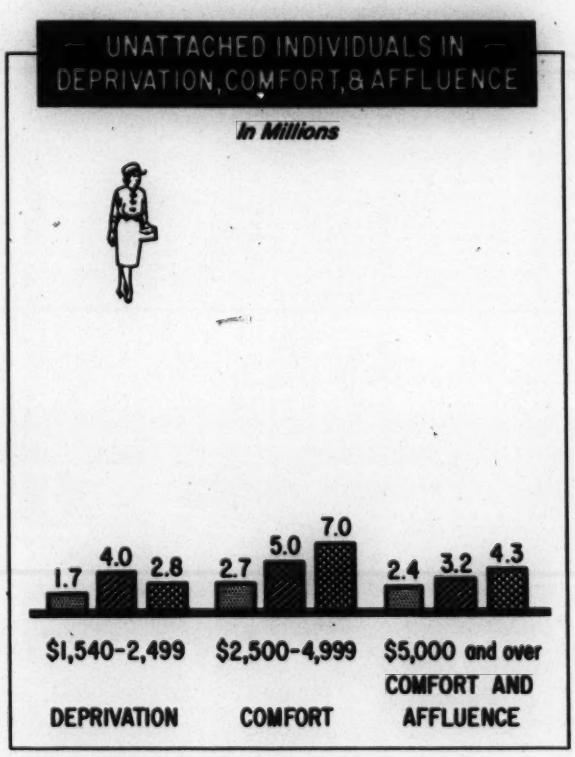
NUMBER IN U.S. LIVING IN POVERTY, DEPRIVATION, COMFORT, & AFFLUENCE, 1964, & GOALS FOR 1970 & 1975

Annual Money Incomes, Before Taxes, in 1964 Dollars









1/ The average size of families living in poverty is 3.19, so 9.1 million families involve about 29.0 million people.

2/ The average size of families living in deprivation is about 3.6.

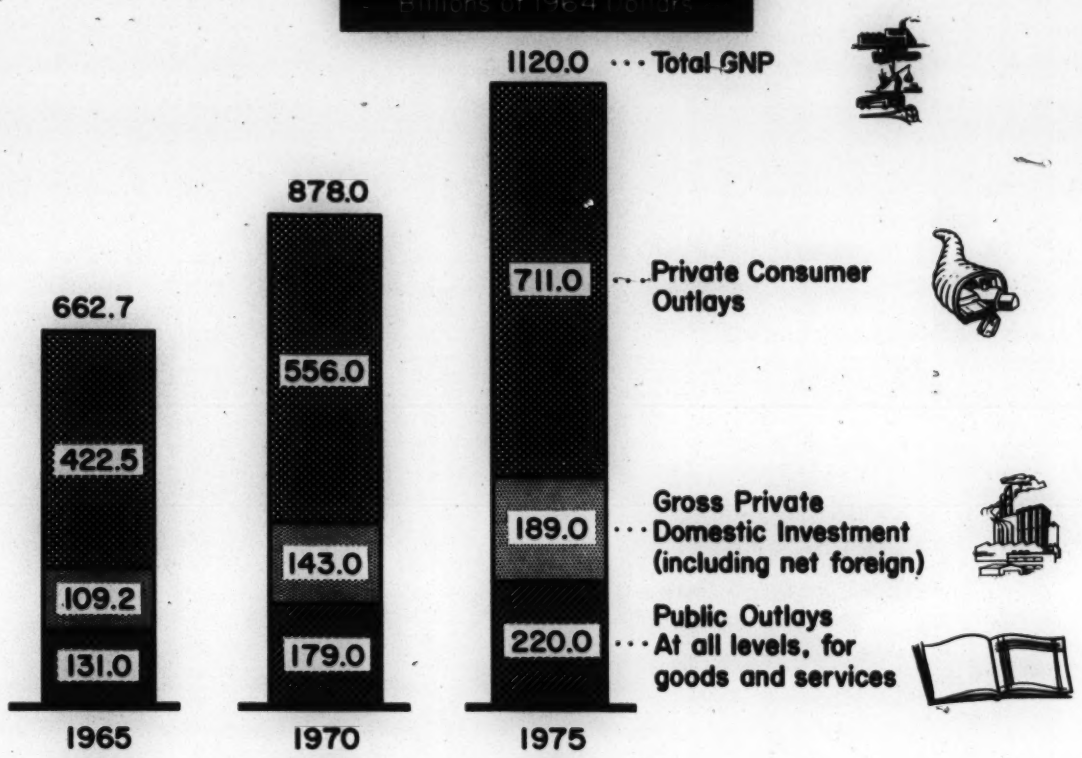
3/ The figures of $3,130 and $1,540 are the most recent estimates of the Office of Economic Opportunity with respect to the poverty-income ceiling.

Data: 1964: Office of Economic Opportunity and Bureau of the Census; Projections, "Freedom Budget".

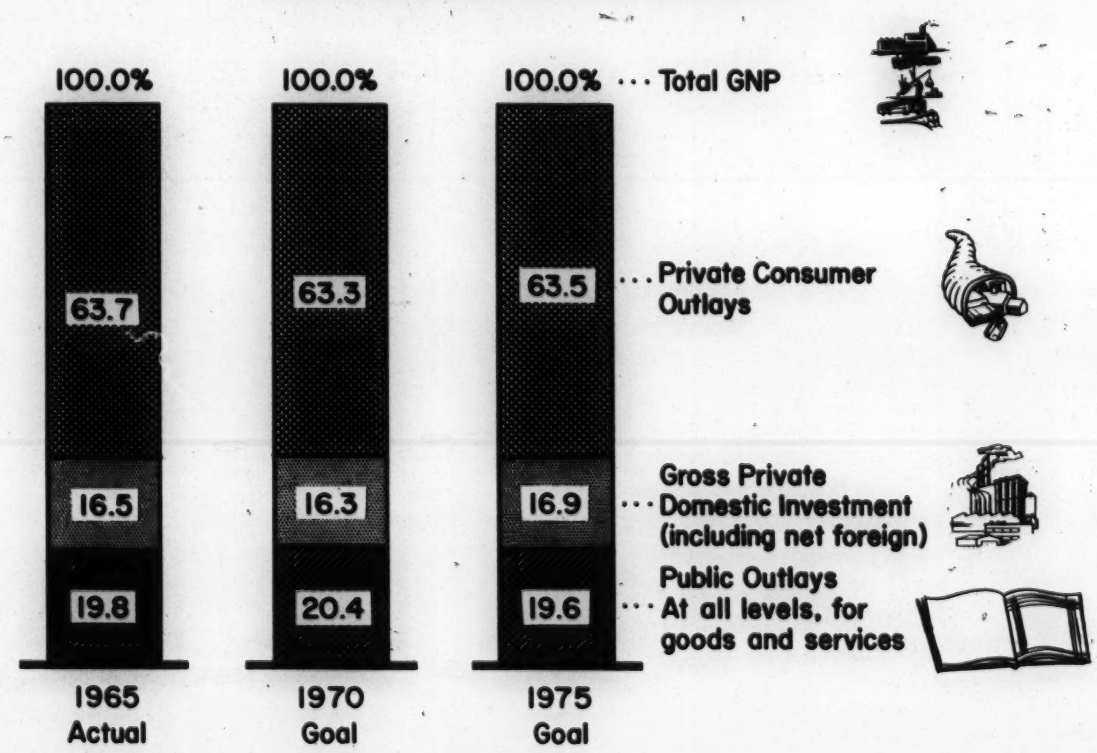
THE "FREEDOM BUDGET" MAINTAINS BALANCE OF PUBLIC AND PRIVATE RESPONSIBILITIES

COMPONENTS OF GNP

Billions of 1964 Dollars



PERCENTAGE RELATIONSHIPS



ROLE OF THE FEDERAL BUDGET IN THE "FREEDOM BUDGET"

1967, fiscal year; 1970 and 1975, calendar years
Totals for 1967 in current dollars;
All other dollar figures in 1964 dollars.

ALL FEDERAL OUTLAYS

Year	Total Expend. (Bil. $)	Per Capita ($)	% of GNP (%)
1967 Adm.[1]	112.847	521.79	15.05
1970 Goal	135.000	645.93	15.38
1975 Goal	155.000	685.84	13.84

NATIONAL DEFENSE, SPACE TECHNOLOGY, & ALL INTERNATIONAL

Year	Total Expend. (Bil. $)	Per Capita ($)	% of GNP (%)
1967 Adm.[1]	70.018	323.77	9.34
1970 Goal	77.500	370.82	8.83
1975 Goal	87.500	387.17	7.81

ALL DOMESTIC PROGRAMS

Year	Total Expend. (Bil. $)	Per Capita ($)	% of GNP (%)
1967 Adm.[1]	42.829	198.04	5.71
1970 Goal	57.500	275.12	6.55
1975 Goal	67.500	298.67	6.03

ECONOMIC OPPORTUNITY PROGRAM

Year	Total Expend. (Bil. $)	Per Capita ($)	% of GNP (%)
1967 Adm.[1]	1.600	7.39	0.21
1970 Goal	4.000	19.14	0.46
1975 Goal	6.000	26.55	0.54

HOUSING AND COMMUNITY DEVELOPMENT

Year	Total Expend. (Bil. $)	Per Capita ($)	% of GNP (%)
1967 Adm.[1]	0.123	0.57	0.02
1970 Goal	3.350	16.03	0.38
1975 Goal	3.800	16.81	0.34

AGRICULTURE; AND NATURAL RESOURCES

Year	Total Expend. (Bil. $)	Per Capita ($)	% of GNP (%)
1967 Adm.[1]	6.434	29.75	0.86
1970 Goal	10.500	50.24	1.20
1975 Goal	12.000	53.10	1.07

EDUCATION

Year	Total Expend. (Bil. $)	Per Capita ($)	% of GNP (%)
1967 Adm.[1]	2.834	13.10	0.38
1970 Goal	7.000	33.49	0.80
1975 Goal	9.500	42.04	0.85

HEALTH SERVICES AND RESEARCH

Year	Total Expend. (Bil. $)	Per Capita ($)	% of GNP (%)
1967 Adm.[1]	3.621	16.74	0.48
1970 Goal	4.800	22.97	0.55
1975 Goal	7.000	30.97	0.62

PUBLIC ASSISTANCE; LABOR, MANPOWER, AND OTHER WELFARE SERVICES

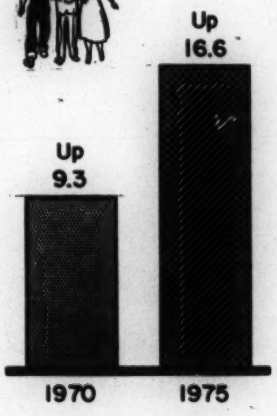
Year	Total Expend. (Bil. $)	Per Capita ($)	% of GNP (%)
1967 Adm.[1]	4.741	21.92	0.63
1970 Goal	6.600	31.58	0.76
1975 Goal	7.500	33.18	0.67

[1] Administration's Proposed Budget as of Jan. 23, 1966.

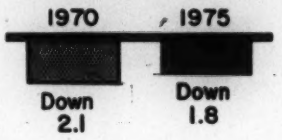
THE "FREEDOM BUDGET," 1970 AND 1975 GOALS EMPLOYMENT, PRODUCT, AND INCOMES PROJECTED FROM LEVELS IN 1965

Dollar Items in 1964 Dollars

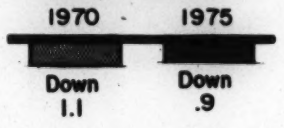
EMPLOYMENT
(In millions of man-years)



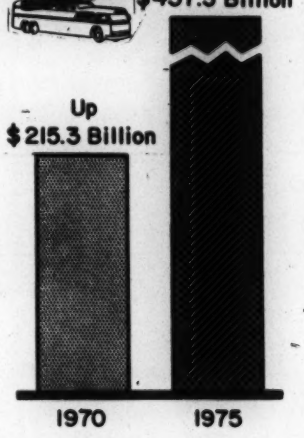
TRUE UNEMPLOYMENT
(In millions of man-years)



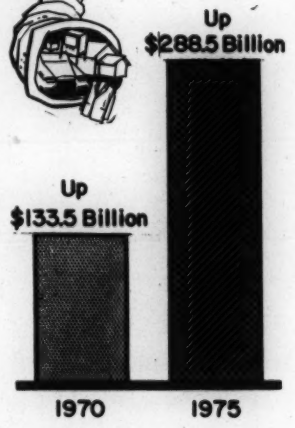
FULL-TIME RECORDED UNEMPLOYMENT



TOTAL PRODUCTION

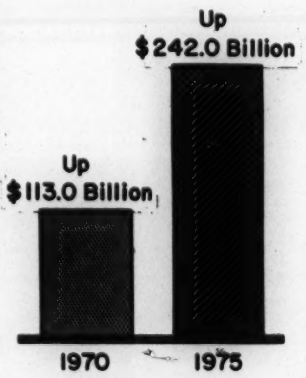


CONSUMER SPENDING

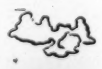


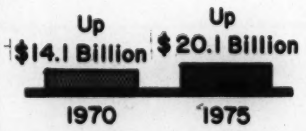
FAMILY INCOME
(Average)

WAGES and SALARIES

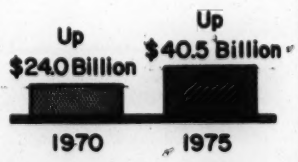


NET FARM INCOME

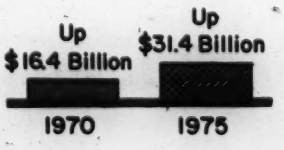




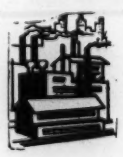
TRANSFER PAYMENTS

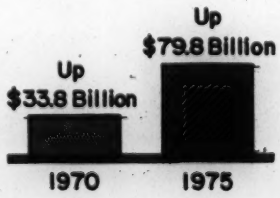


BUSINESS and PROFESSIONAL INCOME

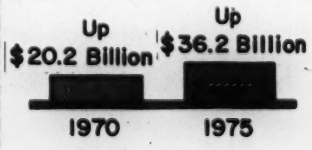


GROSS PRIVATE INVESTMENT
(Inc. Net Foreign)



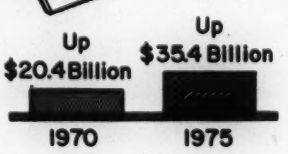


RESIDENTIAL STRUCTURES

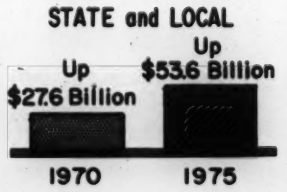


PUBLIC OUTLAYS FOR GOODS and SERVICES
(Calendar Years)

FEDERAL



STATE and LOCAL



TECHNICAL NOTE

The economic and financial projections in the "Freedom Budget" are based primarily upon studies of the Conference on Economic Progress. As projections of this type involve a quantitative balance sheet which reconciles all items, it is hardly possible to embody in the "Freedom Budget" what might be called "average" projections including those of other very competent organizations interested in this problem. However, it is important to bear in mind that the projections in the "Freedom Budget" are reasonably closely in accord with those made by such other organizations.

As for total national production, a study entitled The Dollar Cost Of Our National Goals, prepared by Leonard A. Lecht, and published by the National Planning Association in May 1965, projects for 1975 a gross national product of 981 billion dollars. Converted into 1964 dollars, the figures would be about 1,010 billion. The "Freedom Budget" projects a 1975 GNP of 1,120 billion dollars, measured in 1964 dollars.

Thus, the difference between the two projections as of 1975 is not great enough to mean very much in terms of the imponderables involved. The "Freedom Budget" arrives at the higher figure primarily by projecting productivity growth at 3.8 percent. This is higher than other competent estimates, some of which have been 3.0, some 3.2, and some 3.5. In view of recent and current trends in technology, consumer demands, and other factors, there is no way of determining with precision which of these productivity projections is more desirable for the purpose of setting national goals. The very nature of a "goal" implies various possibilities depending upon efforts and values. In this connection, it should be noted that the "Freedom Budget" projects an annual economic growth rate in real terms of about 6½ percent a year through 1968 in order to restore full employment and production by early 1968, and an average annual growth rate of about 5 percent thereafter through 1975. As early as 1958, the "Rockefeller Report" On The U.S. Economy made projections through 1975 at three different assumed economic growth rates, with the 5 percent growth rate representing the optimum. This 5 percent projection, from a 1957 base, resulted in a 1975 gross national product of about 1,050 billion dollars, measured in 1957 dollars. Converted into 1964 dollars, this would be about 1,173 billion, or somewhat higher than the 1975 "Freedom Budget" goal of 1,120.0 billion.

The probabilities are that any one of the various projections is "valid", depending upon the relative weight to be attached to the cost of increased exertions and policy efforts which would enable faster progress toward meeting the great priorities of our national needs, as against the relative weight to be attached to somewhat lesser efforts while serving these priorities at a slower pace.

More important still, the choice of a goal of a GNP of 1,010 billion dollars in 1975 as against the goal of a GNP of 1,120 billion (both measured in 1964 dollars) does

not necessarily involve alternative choices with respect to the great priority needs. With a slightly smaller rate of economic growth, the same priority needs in the same amounts could be met by very slightly higher relative allocations to these purposes, which would simply mean a very slightly slower rate of progress on fronts of far lower priority value.

In these terms, it is illuminating to compare some of the Federal Budget goals in the "Freedom Budget" with those included in a study by Gerhard Colm and Peter Wagner of the National Planning Association, published by the Brookings Institution in March, 1966. In the following table, column (a) represents Federal Budget goals in the "Freedom Budget" and column (b) represents Federal Budget goals in the Colm-Wagner study. The differences between the two columns are considerably less than appear, because column (a) is stated in 1964 dollars and in terms of the Conventional Federal Budget, while column (b) is stated in terms of current dollars, assuming an annual price rise of 1.5 percent, in terms of the Cash Federal Budget. Adjusting to achieve comparability, column (c) states the Colm-Wagner projections in 1964 dollars in terms of the Conventional Federal Budget, which reduces the total to 51.5 billion dollars. The Colm-Wagner projections for 1975 are extrapolations of their projections for fiscal 1973 published by the Brookings Institution. They are the highest of four alternative projections, and are made under the assumption that there will be substantial reductions in arms outlays.

	(in billions of dollars)		
	(a)	(b)	(c)
Housing and community development	3.8	9.5	6.2
Health services and research	7.0	9.5	7.8
Public welfare; labor and manpower	7.5	19.3	10.4
Economic Opportunity	6.0	7.0	5.7
Education and research	9.5	16.3	13.8
Agriculture; natural resources	12.0	9.7	7.6
	45.8	71.3	51.5

Furthermore, the differences between columns (a) and (c) are probably even less than appear. With respect to housing and community development, for example, it may well be that the difference between the 3.8 billion dollar figure in column (a) and 6.2 billion dollar figure in column (c) is much greater than the difference in the respective programs contemplated, and is to be explained by different methods of financing of the Federal contributions in aid of projects.

It therefore appears that the variations in detail in various competent studies do not substantially affect the validity of the "Freedom Budget", when properly interpreted as a broad expression of our economic capabilities and the goals we should seek.

ASA PHILIP RANDOLPH

SUBJECT FILE Freedom Budget For All Americans Fourth Draft

July 1966

CONFIDENTIAL

FOURTH DRAFT, JULY, 1966

A "FREEDOM BUDGET" FOR ALL AMERICANS

[redacted]

CONTENTS

	Page
Introduction	i
The "Freedom Budget in Brief"	v
Basic purpose and method: key role of our Federal Government	v
Full production and full employment goals	vi
Goals for liquidation of U.S. poverty	vii
Jobs do most to fight poverty: the needed Federal commitment	vii
Improved minimum wages	vii
Enlarged welfare services	viii
Wiping out the slum ghettos	viii
Investment in education, training, and health services	ix
Improving rural life	ix
Responsibilities of the Federal Budget	ix
How to contain inflation	x
The challenge, 1965-1975	x
I. Why We Need A "Freedom Budget"	1
Identity of our domestic and international purposes	1
The urgency of the challenge	1
Budgeting our resources and needs	2
II. The Role Of The American Negro In The "Freedom Budget"	3
The "Freedom Budget" will benefit all	3
The "Freedom Budget" in relation to civil rights	3
III. How Much We Have To Work With	4
The costs of high unemployment and low economic growth	4
Economic growth capabilities through 1975	4
IV. Budgeting The Great Priorities Of Our National Needs	5
The great priorities of the "Freedom Budget" in summary	6
The U.S. economic problem is a moral problem	6
V. Sustained Full Employment: First "Means" Priority In The "Freedom Budget"	7
Full employment essential to war against poverty	7
The size of the full-employment task	9
Aggregate approach to full employment	9
Structural approach to full employment	11
Preparing an effective full-employment program	12
VI. Elimination of U.S. Poverty: The First "End" Priority In The "Freedom Budget"	13
The amount of U.S. poverty, and goals for its reduction	13
The related problem of deprivation	14
Importance of improved income distribution	16
Main approaches to the reduction of poverty	17
The problem of "the working poor"	20
The more generalized wage problem	21
VII. Replacing The Slum Ghettos: "End" And "Means" Priority In The "Freedom Budget"	21
How many are ill-housed, and why	21
Housing goals through 1970	22
Why is public housing called "unpopular"?	23
Impact of improved housing upon urban renewal and economic growth	24
Accompanying social benefits	24
VIII. Agriculture, Natural Resources, and Regional Development	25
Conservation and replenishment of natural resources	26
Regional development and the distressed areas	27
IX. Direct Investment In Human Resources: Education, Training, And Health	27
Education	27
Training and retraining	28
Health services and research	28

CONTENTS (continued)

		Page
X.	Help For Those Who Cannot Help Themselves: Social Insurance And Welfare Payments	30
	OASDHI and public assistance for the elderly	30
	Other deficiencies in welfare programs	31
	Toward a unified nationwide system of guaranteed incomes	32
	Unemployment insurance and workmen's compensation	32
XI.	The Role Of The Federal Budget In The "Freedom Budget"	33
	Proposed priority programs in the Federal Budget	34
	Reasonableness of the Federal Budget projections	35
	Tax implications of the proposed Federal Budget	36
	Allowance for excessive optimism in the estimates	37
XII.	The Moral Aspects of The Problem Of Inflation	37
	A balanced view of the inflationary danger	37
	The moral or social question	38

CHARTS*

	Tab
How Much We Have To Work With, 1965-1975, Based on Economic Growth Projections	1
Number In U.S. Living In Poverty, Deprivation, Comfort, & Affluence, 1964, & Goals for 1970 & 1975	2
The "Freedom Budget," 1970 and 1975 Goals, Employment, Product, and Incomes, Projected From Levels in 1965	3
Role Of The Federal Budget In The "Freedom Budget"	4
The "Freedom Budget" Maintains Balance Of Public And Private Responsibilities	5

TECHNICAL NOTE

---

* Charts omitted in this copy, but will be included in final copy.

INTRODUCTION

RACE AND POVERTY

The "Freedom Budget" spells out a specific and factual course of action, step by step, to start in early 1967 toward the practical liquidation of poverty in the United States by 1975. The programs urged in the "Freedon Budget" attack all of the major causes of poverty--unemployment and underemployment; substandard pay; inadequate social insurance and welfare payments to those who cannot or should not be employed; bad housing; deficiencies in health services, education, and training; and fiscal and monetary policies which tend to redistribute income regressively rather than progressively. The "Freedom Budget" leaves no room for discrimination in any form, because its programs are addressed to all who need more opportunity and improved incomes and living standards--not just to some of them.

The "Freedom Budget" differs from previous worthy efforts to articulate similar goals because it fuses general aspirations with quantitative content, and imposes time schedules. It deals not only with where we must go, but also with how fast and in what proportions. It measures costs against resources, and thus determines feasible priorities. It is not only a call to action, but also a schedule for action.

The "Freedom Budget", however, is not self-executing. It defines programs around which can be rallied all those individuals and groups who favor these programs and their objectives. But even with this convergence of forces, these individuals and groups will need to assume the political task of impressing upon their Government the prompt obligation to undertake the needed legislative and Executive programs. As the study points out, improved operations under the Employment Act of 1946, commencing at once, must be the first focal point of the implementation process. The "Freedom Budget" is thus an imperative call to national action.

Why do we call this a "Freedom Budget"?

The language evokes the struggle of the civil rights movement, its vision of social justice and equality, its militant determination that these goals be rapidly and forth-rightly achieved. This is the vision and determination that underlies the "Freedom Budget" and must propel any genuine war on poverty. The moral issues in this war are no less compelling than those of the battle against racism.

We call this a "Freedom Budget" in recognition that poverty and deprivation, as surely as denial of the right to vote, are erosive of human freedom and of democracy. In our affluent nation, even more than in the rest of the world, economic misery breeds the most galling discontent, mocking and undermining faith in political and civil rights. Here in these United States, where there can be no economic nor technological excuse for it, poverty is not only a private tragedy but in a sense a public crime. It is above all a challenge to our morality.

We call this a "Freedom Budget" because it embodies programs which are essential to the Negro and other minority groups striving for dignity and economic security in our society. But their legitimate aspirations cannot be fulfilled in isolation. The abolition of poverty (almost three-quarters of whose U.S. victims are white) can be accomplished only through action which embraces the totality of the victims of poverty, neglect, and injustice. Nor can the goals be won by segmental or ad hoc programs alone; there is need for welding such programs into a unified and consistent program.

The largest beneficiaries will be the poor themselves. But in the process everyone will benefit, for poverty is not an aberrant circumstance affecting only those entrapped by it. It reflects--and affects--the performance of our national economy, our rate of economic growth, our ability to produce and consume, the condition of our cities, the levels of our social services and needs, the very quality of our lives. Materially as well as spiritually, a society afflicted by poverty deprives all of its citizens of security and well-being.

In this war, too, we encounter the pessimists and the tokenists, those who counsel "gradualism" and those who urge piecemeal and haphazard remedies for deep-rooted and persistent evils. Here again, "g..dualism" becomes an excuse for not beginning or for beginning on a base too small to support the task, for not setting goals; and the scattered, fragmented remedies, lacking a sense of priorities and coordination, often work at cross purposes.

In the economic and social realm, no less than in the political justice too long delayed is justice denied. We propose and insist that poverty in America can and therefore must be abolished within ten years.

The means toward this end are spelled out in the following pages, prepared in cooperation with some of the nation's outstanding experts. There may be minor disagreements with regard to statistical data, analysis, and policy proposals, even among those endorsing the "Freedom Budget" in this publication. These individuals subscribe only to the broad directions of the "Freedom Budget," and are too imbued with a sense of urgency to cavil about the details. But this limitation is not intended to imply lukewarmness in terms of urgency, not to question that in its major aspects the "Freedom Budget" is essentially sound and imperative as to findings, goals, and methods.

The "Freedom Budget" contends that this nation has the resources to abolish poverty, for the first time in human history, and to do so within a decade. Indeed, the very process of abolishing poverty will add enormously to our resources, raising the living standards of Americans at all income levels. By meeting our unmet social needs--in slum clearance and housing, education, training and health, agriculture, natural resources, and regional development, social insurance and welfare programs--we can achieve a full employment economy (itself the greatest single blow against poverty. All of these legitimate goals interact, whether viewed as causes or results, and they are in truth both.

Only such a massive and sustained program--which sees poverty in terms of the national economy, and not only in terms of the personal characteristics of the poor--has a chance of success.

Goals must be set, along with time tables for achieving them. We must plan the allocation of our resources in accord with our priorities as a nation and a people.

The outlines of the "Freedom Budget" are summarized in the pages immediately following. But first, it is appropriate to consider questions which are not economic in nature.

The economic impact of the war in Vietnam and the attendant question of inflation are discussed subsequently and need not be taken up here, except to point out that the "Freedome Budget" makes no independent judgement as to national defense requirements but adopts what might be called "the composit judgement of informed experts." Thus, the "Freedom Budget" is not predicated on cut-backs in national defense nor on one or another position regarding the Vietnam conflict, which is basically a thorny question to be viewed in its own terms. The fundamental proposition is that the broad approaches of the "Freedom Budget" can and should be implemented, whether or not an early termination of the Vietnam conflict is achieved, or even were there to be some increase in its economic and financial burdens.

Clearly, however, there are those who would use the Vietnam war and the issue of inflation as political weapons to force cut-backs or dangerous slowdowns in the needed rate of expansion of domestic social spending. Their cries might deserve more notice had they not, in too many instances, been vociferous opponents of Great Society programs prior to the stepped-up American involvement in Vietnam. And as for the problem of inflation, to the extent it augments, the Federal Government has at its command selective measures to combat it which do not require impairment of Great Society programs of needed magnitudes. If the progress of inflationary pressures should indicate that we are trying to do more than our rapidly-advancing productive resources will support, then a legitimate effort against inflation means cut-backs of the relatively nonessential, not of the vital. A simulated campaign against inflation which punishes those who need help most reveals the crocodile tears of those who bewail how inflation hurts the unfortunate. Always, it is important that thinking Americans

recognize the selfish character of the assault on domestic social programs.

As we reject this line of thought, so must we reject another argument emanating from different quarters, to the effect that the termination of the Vietnam conflict is the prerequisite for acceleration of domestic social programs. We all desire that termination, on safe and honorable terms; nonetheless, the argument just cited, no less than that of economic conservatives, would hitch the aspirations and long-denied needs of the poor to the outcome of the Vietnam war--a dependency which, we repeat, is neither economically necessary nor morally defensible.

Those drafting this "Freedom Budget" have sought to outline, objectively and fully, the steps required for the abolition of poverty in America. It may be argued that the "Freedom Budget" is too ambitious to be "politically feasible." We contend that the question is whether the persistence of poverty is any longer feasible. Can we as a nation afford another Watts, and more than one more? How may examples of seething discontent do we need before we move earnestly to provide jobs for all, clear the slums, rebuild our cities, overcome the shortages of schools and hospitals, and reverse the neglect of our other social needs?

Who, only a few short years ago, would have acknowledged the "political feasibility" of the tremendous legislative victories of the civil rights movement in our own day? Who could have foreseen the beginnings of a war on poverty, and the initiation of a host of new Great Society programs?

These breakthroughs were not won by those who thought narrowly of what was "politically feasible," but by those who raised the moral issues and placed them squarely before the American people. Having raised the issues clearly, they forged a mighty coalition among the civil rights and labor movements, liberal and religious forces, students and intellectuals--the coalition expressed in the historic 1963 March on Washington for Jobs and Freedom.

Social progress is always the trusteeship of those battling constantly to lift the level of "political feasibility." A nation can decay, as all history shows, if the level of "feasibility"

is kept too far below what is required to survive and advance. We must ask, not only what is feasible by whom, but also what is needed by whom.

It is to the full goals of this 1963 March that the Freedom Budget is dedicated. It is within this coalition of conscience that the strength must be mobilized for the implementation of this "Freedom Budget" for all Americans.

A. PHILIP RANDOLPH

The "Freedom Budget" In Brief

Basic purposes and method: key role of our Federal Government

The "Freedom Budget" is built around four mutually reinforcing goals:

(1) To restore full employment as rapidly as possible, and to maintain it thereafter, for all those able and willing to work, and for all those whom adequate training and education would make able and willing to work;

(2) To utilize technological advances for rising living standards, rather than permit this advance to result in unemployment;

(3) To distribute the ever-increasing flow of goods and services in accord with the great priorities of our national needs, both private and public. Among these priorities, the abolition of poverty and the unemployment which is central to poverty come first. This abolition of poverty requires improvements both in private incomes and in public services in such fields as housing, health, education, social security, and welfare payments;

(4) To determine priorities and shape national policies in accord with standards of social justice.

We cannot use our economic strength and our institutions to meet our needs fully in accord with their relative importance until we develop both short-range and long-range quantifications of our resources and needs, and then bring consistent national policies to bear upon meeting these needs as fully as we can. The "Freedom Budget" insists that we must start immediately to achieve the goals set forth. But we cannot act effectively today unless we look and plan far enough ahead.

While the goals of the "Freedom Budget" require participation at all levels, private and public, the leadership role must be taken by our Federal Government. The next Annual Reports of the President under the Employment Act should quantify ten-year goals for full employment and full production, for the practical liquidation of U.S. poverty by 1975, and for meeting the other great priorities of our national needs. With due allowances for private and public performance at other levels, but with a firm determination by our Federal Government to close the gaps, all major Federal economic and related social policies--including the Federal Budget--should be geared to the attainment of these ten-year goals, starting at once in appropriate magnitudes.

Toward closing the gaps between what others may do and what the nation and the people need, the two first and unalterable commitments of the Federal Government should be: (a) to lead in initiating and financing job projects for those who should be employed but who are not otherwise employed. This utilization of unused manpower would be directed toward the service of all those types of public needs which are now being so

deficiently served; and (b) to work as rapidly as feasible toward a program or programs which, in the form of a guaranteed income or its equivalent, will assure a health and decency standard of living to all Americans who are not achieving it through the process of full employment.

The "Freedom Budget" can serve as an indicative guide to the programs and policies which our Federal Government should immediately undertake, as the only spokesman of all the people, and as the prime factor in defining and achieving truly economic and social choices in the interest of all the people.

Full production and full employment goals

The first basic finding in the "Freedom Budget" relates to the productive resources we have to work with, if we use them fully. With sustained full employment and encouragement of high productivity advance, our total production (measured in 1964 dollars) can rise from about 663 billion in 1965 to 1,085-1,120 billion by 1975. This would mean, for the ten years, 1966-1975 inclusive, an annual level of production averaging 231.5-244.2 billion dollars higher, and an aggregate over the decade of 2,315-2,442 billion dollars higher, measured in uniform 1964 dollars, than if total production remained at the 1965 level.

The first imperative step toward utilizing this productive potential is to restore full employment by early 1968 at the latest, and to sustain it thereafter. This must take care of population growth, and deal not only with full-time and officially-recorded unemployment, but also with the full-time equivalent of part-time unemployment and the concealed unemployment which results from those who are not participating in the labor force (and who therefore are not counted as unemployed) because of scarcity of job opportunity. This means that, compared with 1965, total employment (measured in its full-time equivalent) must be about 4.6 million higher in 1967, 9.3 million higher in 1970, and 16.6 million higher in 1975. The total number of new jobs which must be created is much greater, to allow also for those who will be displaced from old jobs by technological changes.

On both social and economic grounds, sustained full employment is the absolutely first national priority. No "explanations" of unemployment, no analysis of the "characteristics" of the unemployed, can substitute for the truth that full employment is feasible at all times. We know that it was attained during World War II. What we could do while fighting a total war, we can do more easily under other conditions.

The "Freedom Budget" contains many harmonized proposals toward this end. But the bedrock civilized responsibility rests with our Federal Government, which should at once and continuously lead in organizing and financing enough job-creating activities to close the gap between full employment and employment provided at other public and private levels. None of these Federally-created jobs need to be "made-work," because our unmet needs as a nation and a people in the public sector are greater than would be met excessively even by this Federal effort during the next decade. These needs extend across housing, city rebuilding, transportation, public works, educational and health facilities and

personnel, and resource development. Training programs must be united with job-creation.

Goals for liquidation of U.S. poverty

Designating the benefits of sustained full employment and full production as a means towards all other objectives, the first end priority in the "Freedom Budget" is the practical liquidation of U.S. poverty. Moving pro tanto toward this goal in every year beginning now, the poverty of about 34 million people in 1964 can and therefore should be reduced to only slightly more than 2 million in 1975. The rest of the goal can be achieved shortly thereafter.

Programs designed to improve income distribution are vital to the liquidation of poverty. From the purely economic viewpoint, full resource use cannot be sustained if the situation persists as it was in 1964, when the highest income fifth of all U.S. multiple-person families received 41 percent of total multiple-person family income and the highest two-fifths 65 percent, while the lowest income fifth received only 5 percent and the lowest two-fifths only 17 percent. In terms of social justice, such maldistribution is intolerable. Practically all major national economic policies affect income distribution, and should be used to affect it progressively, not regressively.

The anti-poverty program, stemming from the Office of Economic Opportunity, should be improved qualitatively and greatly augmented quantitatively. But at best, this program touches only one small aspect of the poverty problem as a whole, which requires for its solution the coordinated utilization of all major national economic policies--for they all affect levels of employment and production, income distribution, and allocation in accord with priorities of need. This is true both with respect to a full-scale war against poverty in the form of enlarging the private incomes of the poor, and a full-scale war against poverty in the form of programs in the public sector.

Jobs do most to fight poverty: the needed Federal commitment

A full 40 percent of all of the poverty in the U.S. is due directly to inadequate employment opportunity. Sustained full employment requires, among other measures, a firm and full commitment by the Federal Government to undertake job-creating projects along the lines set forth above. Even more broadly, sustained full employment requires a much better balance between the growth in our ability to produce and our ability to consume. All Federal economic policies, especially fiscal and monetary, need much better adjustment to this purpose than they have thus far displayed.

Improved minimum wages

About 20 percent of all U.S. poverty is among the working poor (including their dependents) who receive substandard wages. The Federal minimum wage should be lifted to at least $2.00 an hour by 1968 or 1969, and its coverage should be pushed to the uppermost constitutional limits of Federal power.

Enlarged welfare services

The remaining 40 percent of U.S. poverty is among those who cannot or should not work because of age or other disabling factors. More than half of this type of poverty is concentrated among families headed by women. This aspect of the poverty problem calls for vast improvements, beginning at once and accelerating, in all social security and welfare programs. This will require greatly enlarged Federal contributions to all of these programs, including old-age insurance and assistance, general public assistance, unemployment insurance, workmen's compensation, and other specialized programs designed to help those suffering from other disabilities.

The long-range objective (for which plans should be made at once) should be to substitute, for the virtual crazy-quilt of current welfare endeavors that are miserably inadequate in coverage and amounts, a more unified system designed in accord with the principle that all those who cannot achieve adequacy incomes through the employment process be guaranteed adequacy income through acceptance of public social responsibility. This means a Federally-initiated and supported guaranteed annual income, to supplement rather than supplant a sustained full-employment policy at decent pay.

Wiping out the slum ghettos

All of the foregoing measures would be designed primarily to increase the money incomes received by those whose incomes are too low for them to move quickly out of poverty, and to move with deliberate speed toward a truly adequate standard of living in accord with our rapidly rising per capita production capabilities as a nation.

But another range of attacks upon the poverty problem is equally essential, and these involve massive action in the public sector. The first of these is to wipe out the slum ghettos which are both the roots and offshoots of poverty, while their replacement would also make the largest single contribution to sustained full employment and the rescue of the urban environment from deterioration and decay. Traditionally-financed private housing for middle-income and high-income families is already receiving sufficient encouragement. But we should start moving upward now toward about 400,000 starts of lower-middle-income housing in 1968, and about 500,000 in 1970. This calls for large increases in public outlays, use of Federal loans or credit to drive interest rates downward, and a long-range planned program. Above all, housing starts for low-income families, with annual subsidies to bridge the difference between the annual cost of what these families can afford to pay without excessive strains upon their overall budgets and what decent housing costs, should be lifted year by year to at least 400,000 in 1968, and 500,000 in 1970. Allowing for feasible increases in State and local efforts, the basic thrust in

this connection must come in the form of Federal financial assistance.

Investment in education, training, and health services

Public responsibility, especially at the Federal level, must move immediately and at an accelerating rate toward increased investment in our human resources in the form of education, training, and health services. For at least six years ahead, we need a construction program very conservatively estimated at more than 100,000 public classrooms a year, requiring outlays of about 27 billion dollars. We need about 100,000 new teachers a year in the public schools. We need vast enlargements in facilities and teachers at higher levels of education, accompanied by public financial aid to those hundreds of thousands of young people who possess every innate endowment to go to college but lack the means.

Granted the advance represented by Medicare, we need approximately to double within ten years the annual rate of outlays for hospital construction, and to increase at least 50 percent by 1975 the annual number of physician graduates. Seriously inadequate medical care, due to the cost factor, still handicaps about 40 percent of our population. The battle should now be resumed for a nationwide universal system of health insurance.

The reader desiring a detailed account of the needed expansions in the programs thus far discussed will find them in the following chapters. One index of the size of the need is that the average insurance payments to our senior citizens under the Federal program should be approximately doubled within five years or less.

Improving rural life

The extraordinary concentration of poverty in rural America, the economic disenfranchisement of a majority of our farm people, and the lag in public services in rural areas even relative to the gross deficiencies in urban areas, call for both general and specialized approaches. Most of these head up ultimately to Federal responsibility, both in the form of a drastically reconstructed national farm policy and Federal equalization policies designed to help the poorer areas of the nation to serve public needs. Underemployment is rife in agriculture. Hired farm workers, especially migratory, are among the most neglected and exploited people in America. Chapter VIII deals more fully with rural problems.

Responsibilities of the Federal Budget

Because the Federal Budget is the main instrument of national economic policy, and of those aspects of social justice which require economic and financial measures, the "Freedom Budget" sets forth in detail all of the major components of a Federal Budget

which should rise from 112.8 billion dollars as proposed in the current fiscal 1967 Federal Budget (which is several billion too low) to 135 billion dollars in calendar 1970, and 155 billion in calendar 1975. Chart Three sets forth, in as compressed a form as could be contained in this summary, how the proposed Federal Budget should be allocated among all the great priorities of our national needs, not only in absolute dollar amounts, but also on a per capita basis related to the size of the population, and in ratio to the size of our growing total national production. The reasonableness of these Federal Budget goals, and their compatibility with maintenance of balanced relationships among public and private responsibility at all levels, is indicated by the fact that the Federal Budget projected for calendar 1970 and 1975 would be smaller in ratio to total national production than the average during the fiscal years 1964-1967.

How to contain inflation

The "Freedon Budget" is not neglectful of the problem of inflation. The attainment of all of its projected goals would not place excessive strains upon our production capabilities, if we use them fully. And even if this turned out to be an over-optimistic view, that would not negate the essentiality of achieving all of the great priority program quantified in the "Freedom Budget"; it would simply mean that we should use tax policy and other measures to restrain marginal enjoyments instead of sacrificing what we need most.

The challenge, 1965-1975

If the "Freedom Budget" becomes the living law of our national economic and social goals, policies, and programs, we can easily convert an abundance which already exceeds the most fanciful expectations of a decade ago into an America a decade hence where poverty has come close to total abolition; where every American enjoys a decent home in a suitable living environment; where our cities have become places in which to live instead of to move out of as rapidly as possible; in which the educational and health services enjoyed by all of the people will have been

be abreast of the advance in knowledge and science; in which the poisons will have been extracted from our airs and waters; in which our natural resources and means of transportation will be conserved and replenished; and in which the incomes of all, while by no means equal, will be equal to the requirements for living without want or economic fear, by virtue of employment for those able to partake of it, and by other appropriate methods for those not able to be employed.

Most important of all, we shall have recognized that the foundation of a Great Society is a Just Society. The "Freedom Budget" does not ask for the moon, but only for justice here on earth, in the land best able to afford it.

CONFIDENTIAL 4/26/66

I. Why We Need A "Freedom Budget"

Identity of our domestic and international purposes

The American people today are torn by two seemingly conflicting purposes. On the one hand, they have been stirred to their depths by the "war against poverty" and by other splendid goals of the Great Society. They want to move forward toward these goals, and regard this properly as an essential economic and social follow through on recent progress toward civil rights in racial relations. On the other hand, many of them believe that we must slow down instead of speed up the practical pursuit of these objectives, because of the war in Vietnam and the rising costs of our national defense and related activities. Current national policies and programs, in the main, embody this viewpoint. So long as this seeming conflict is not resolved, we the American people will remain divided among ourselves.

But this seeming conflict is not a real one. By common consent and by every public proclamation, no effort we are making anywhere in the world has any basis except to defend and advance the frontiers of freedom. These frontiers are not measured by lines upon a map, but rather by the ideals and human purposes we and other peoples live by. And the image we project overseas is but the reflection of what we do at home, in terms of human progress and social justice. All history teaches us, and never was the lesson more manifest than in this second half of the 20th century, that it would profit a nation nothing to protect its shores but lose its soul.

The urgency of the challenge

Our people feel in their hearts that the extirpation of poverty and deprivation, unemployment and other injustice, in the U.S. is central to all of our efforts everywhere. But we have not marshalled the needed sense of urgency, partly because freedom from want and even affluence have become the general rule rather than the exception in the U.S. But any complacency on this score is a tragic and dangerous irony, because the very conditions which feed this complacency bespeak our economic and institutional power to bring freedom from want and some measure of affluence to all of our citizens--commencing immediately, and reaching these goals within a decade. Then, we will set new goals.

As an example of the current irony, even the Negroes in Watts today may be better off in material terms than their counterparts of fifty years ago, or very large segments of the American people during the depths of the Great Depression thirty years ago. But the profound difference is that the unemployment and poverty and deprivation of those earlier times was merely a tragedy, because we had neither the economic resources

nor the know-how to deal with them. Today, because we have both the resources and the know-how, the millions of unemployed, the 34 million living in poverty, and the 28 million living above the poverty level but in deprivation nonetheless take on also the aspects of a national crime.*

The situation in Watts erupted in volcanic form because the people there knew or felt that their deep troubles were interlaced with manifest injustice. And this eruptive potential is seething just below the surface in portions of almost every large city in the U.S., awaiting only some slight additional pressure or some unpredictable event to spark the explosion. Because of the very nature of this situation, the advances in general prosperity and employment are multiplying the fundamental pressures by the contrasts which they sharpen.

Budgeting our resources and needs

Responsive in part to these pressures, a growing sense of urgency may more fully arouse the national conscience. But how fast this flame of conscience succeeds in consuming the evils against which it protests depends upon how boldly and quickly we translate it into massive program action. If we continue to yield to the tendency to let the towering size of our troubles, and the costs of overcoming them, lead to indeciveness or faltering measures, then we will indeed be letting our consciences make cowards of us all.

In view of the conflicting purposes referred to at the outset, good will in itself will not be enough. It must be accompanied by awareness among the American people of what we have the economic and financial strength to accomplish. That is why we need a specific "Freedom Budget," measuring our needs against our abilities to serve them. During World War II, when we were engaged in a total struggle against external enemies, we budgeted our total resources and needs. As no nation is ever strong enough to do everything at once, we also established a clear set of priorities, both civilian and military, added the ingredient of equity, and set goals accordingly. We were then able to bring all policies and programs into focus toward accomplishment of these goals. And aside fro the draft of military manpower, we did this without impairment of voluntary action, and actually strengthened our manifold institutions of freedom.

Because we did just this during the World War II era, we maintained full employment, and in addition lifted living standards and reduced poverty more rapidly than ever before, even though we were burning up half of our productive resources in fighting our external enemies. If we now benefit by this lesson with appropriate adaptions, what could we not accomplish in the few years ahead, when less than one-tenth of our total national production is now, or foreseeably will be, devoted to national defense?

*Those living in deprivation are above the poverty-income ceiling but without sufficient income to prevent them from suffering serious denial of basic requirements. In this discussion, the deprivation-income ceiling is somewhat lower than the amount of income required for a "modest but adequate" budget. Contrasted with the 28 million living in deprivation, about 47 million in 1964 lived above poverty but below the "modest but adequate" budget.

II. The Role Of The American Negro In The "Freedom Budget"

The "Freedom Budget" will benefit all

In one sense the American Negro, relative to his numbers, has an unusually large stake in a "Freedom Budget." When unemployment is excessive, the rate tends to be about twice as high among Negroes as others. Viewing U.S. multiple-person families in 1964, 37.3 percent of the nonwhites lived in poverty with annual incomes under $3,000, contrasted with only 15.4 percent of the whites. About 14 percent of the nonwhite families had incomes between $1,000 and $2,000, contrasted with 5.4 percent of the whites. And 7.7 percent of the nonwhite families had incomes below $1,000, contrasted with only 2.7 percent of the whites. Among unattached individuals, 52.3 percent of the nonwhites lived in poverty with annual incomes under $1,500, contrasted with 40.5 percent of the whites; and 35.8 percent of the nonwhites were below $1,000, contrasted with 24.4 percent of the whites.*

Thus, the only reason why the Negro will benefit relatively more than others from the liquidation of excess unemployment and poverty is not because he is a Negro, but rather because he is at the bottom of the heap.

Aside from this dismal phenomenon, which is a liability rather than an asset to the Negro, those of lighter skins will benefit far more in absolute numbers through achievement of the goals of the "Freedom Budget." There are far more unemployed among whites than among nonwhites. In 1964, 6.6 million white families and 4.2 million white unattached individuals lived in poverty, contrasted with 1.8 million nonwhite families and 0.9 million nonwhite unattached individuals.

The "Freedom Budget" in relation to civil rights

There is an absolute analogy between the crusade for civil rights and liberties and the crusade which the "Freedom Budget" represents. This is because the "Freedom Budget" would achieve the freedom from economic want and oppression which is the necessary complement to freedom from political and civil oppression. And just as the progress thus far made on the front of civil rights and liberties has immeasurably strengthened the entire American political democracy, so will the "Freedom Budget" strengthen immeasurably our entire economic and social fabric.

*The Office of Economic Opportunity, based upon the studies of Molly Orshansky, now uses poverty-income ceilings of $3,130 and $1,540, respectively, for multiple-person families and unattached individuals, but distributions by color are not readily available on this basis. However, the distribution by color would be roughly the same as indicated above. In the more extensive treatment of poverty later on in the discussion, the O.E.O. poverty-income ceilings are used.

The Negro's greatest role on both of these fronts is not as a beneficiary, but rather as a galvanizing force. Out of his unique suffering, he has gone a long way toward awakening the American conscience with respect to civil rights and liberties. The debt which the whole nation owes him will be increased many times, as he helps to win the battle against unemployment and poverty and deprivation.

III. How Much We Have To Work With

The costs of high unemployment and low economic growth

Before we kneel supinely before the false idol of what we "cannot afford," we should appraise realistically the potentials of the U.S. economy to increase from year to year the output of goods and services which respond to our needs.

A good starting point is to consider how much we have forfeited by the excessively high rate of unemployment and the low annual average rate of economic growth since the end of the Korean war. From the beginning of 1953 through the end of 1965, actual employment, measured by man-years of work, was about 28 million below what it would have been if full employment had been sustained. The loss in total national production, measured in 1964 dollars, is more difficult to estimate. But responsible estimates of this loss range from 500 billion dollars to more than 700 billion for the thirteen years as a whole, or an annual average of from about 38 billion to about 54 billion. The significance of this loss is indicated by the fact that the difference between the actual annual incomes of the 34 million Americans now living in poverty and the annual incomes required to lift all of them out of the poverty-cellar would be somewhere in the neighborhood of 13 billion dollars The reduction of poverty during these thirteen years was only a minor portion of what it would have been with sustained full employment and production, accompanied by allocation of an appropriate portion of our total national production toward the reduction of poverty.

Economic growth capabilities through 1975

Developments during the most recent years, when unemployment has been reduced considerably and the rate of economic growth accelerated greatly (even though we have not moved nearly far enough on either of these two fronts), give reasonable assurance that we can make much better progress in the years ahead, if we adopt suitable policies and programs.

The estimates of our economic growth potentials by competent organizations and individuals vary in degree, although they are usually within similar broad ranges. These variations derive from differing emphases and value judgments; within limits, the rate of economic growth depends upon the exertions we are willing to undertake, the priorities to which we attach most importance, and the policies and programs we adopt. The "Freedom Budget" is based upon the proposition that our unmet needs are so great that we should lean toward the higher rather than the lower competent estimates of our growth potentials.

The "Freedom Budget" is based upon an average economic growth rate of about 4½-5 percent from 1968 through 1975, and a higher rate until full resource use is restored by early 1968 at the latest. More specifically:

Total population is estimated to rise from 194.6 million in 1965 to 224.6 million in 1975, a gain of more that 15 percent.

Taking account of the growth in the civilian labor force induced by a full-employment environment, and if we commit ourselves to the restoration of full employment by early 1968 at the latest and its maintenance thereafter, total civilian employment should rise from 72.2 million in 1965 to 88.8 million in 1975, a gain of about 23 percent.

It is much more difficult to make estimates as to future gains in output per man-hour or productivity in the private economy, and the competent estimates vary considerably. The competent estimates as to the annual productivity-growth potential which have received the most attention appear to range from 3 percent to 3.8 percent. For the purposes of the "Freedom Budget," a range of from about 3 1/4 percent to about 3 3/4 percent is utilized. This does not seem excessive, as the average annual rise in productivity in the private economy was about 3.6 percent between 1961-1965, and productivity trends in the future should be favorably influenced by a full-employment environment, and by ever-improving programs of training and education.

Combining these estimates of the growth in the civilian labor force and the gains in productivity, and allowing for a gradual reduction in the length of the work week in accord with recent trends, it appears that, measured in 1964 dollars, our total national production of goods and services (GNP) should rise from almost 663 billion dollars in 1965 to 1,085-1,120 billion by 1975, or about 64-69 percent.

Movement toward a total national production which should be about 422-457 billion dollars higher in 1975 than it was in 1965 would mean this: We would enjoy total national production averaging per year from 1966 through 1975 (inclusive) 231.5-244.2 billion dollars higher, and aggregating during the ten-year period as a whole 2,315-2,442 billion higher, than if total production remained at the 1965 level.*

It is perfectly plain that, if we use these burgeoning resources wisely, we can meet all of the great priorities of our national needs, and combine this with large additional progress for those at practically all income levels.

IV. Budgeting The Great Priorities Of Our National Needs

Of course, we could not achieve the indicated gains in total national production of goods and services without sustained full employment (from early 1968 forward). But it might theoretically be possible (although there is much doubt on this point) that we could achieve the indicated gains in total employment and production without meeting some of the great priorities of our national needs. We might conceivably make these gains with millions still living in poverty while they worked to help lift others from affluence to riches; and without rebuilding our cities, clearing out slums, or concentrating upon the other goals of a Great Society. In that event, we would become an example to all mankind of a land where wealth accumulates and men decay.

*See Chart on page 60. As to other estimates of our economic growth potentials, and in order to appreciate that these other estimates do not significantly change the basic impact of the "Freedom Budget," see Technical Note.

The great priorities of the "Freedom Budget" in summary

The great priorities of our national needs may be stated very quickly and simply. They are (1) to assure opportunity for year-round employment to all of those able to work and wanting to work including those whose abilities need lifting through training and education; (2) to obliterate what might be called "private poverty," by assuring a decent American standard of income and living -- advancing as our economic capabilities grow -- to all those who are at work, and also to all those who cannot or should not work for one valid reason or another; and (3) to eliminate the poverty in the "public sector" of the American economy. This means remedying the glaring deficiencies represented by decaying cities; obsolescent transportation systems; neglected natural resources; polluted airs and waters; rural shortfalls even more glaring than those in urban areas; inadequate educational opportunity for all, in accord with their ambitions and abilities and the needs of an advancing technology; lack of satisfactory medical care for all, at costs within their means, compatible with the advances in medical science; and outmoded social insurance and welfare payments, which do not allocate a fair share of our national production and wealth to those unable to enter into or remain within the production process because of age or other condition of disability. It goes without saying that our great national priorities relate also to national defense, space technology, and international economic and technical assistance. These programs are also allowed for amply in the "Freedom Budget," but they are in general beyond the scope of this discussion.

We now face a curious paradox in general public thinking. Even while there are those who question whether we "can afford" to meet these great priorities of need, there are others who question where the markets will come from to absorb our rapidly advancing productive powers, as the only alternative to massive unemployment. While we should do all that we can to help those overseas whose poverty is so extreme that it makes our poor families look affluent by comparison, the greatest undeveloped market in the world for our own products is among our 61 million citizens who are still poor or deprived, plus the opportunity to reshape the sordid physical environments in which they and so many of the rest of us live.

The U.S. economic problem is a moral problem

Stated in another way, the so-called economic problem in the U.S. is really a moral problem. Some of the underdeveloped countries of the world, India for example, must temporarily hold down to a snail's pace the rate at which they increase the living standards of their indescribably poor populations. This is because they must bend every effort toward

expediting capital equipment and industrial development -- their real source of hope in the long-run. In vivid contrast in the United States, the immediate and progressive fulfillment of our moral obligations to our people's welfare is the surest method of promoting economic growth, capital accumulation, investment in production facilities, and profits.

We may now turn to more specific consideration of our great priorities of needs. We must remember always that we cannot serve these by glowing declarations of intent, unless we quantify the magnitudes of the various needs, prove that we have the capabilities to meet them, and allocate sufficient portions of our great and growing resources to them. This, again, is the essential meaning of the "Freedom Budget."

Sustained Full Employment: First "Means" Priority In The "Freedom Budget"

Sustained full employment is treated as the first "means" priority in the "Freedom Budget," because it is so highly relevant to attainment of all of the other great priorities. /This is not to deny that full employment is an imperative "end" in itself. For there is nothing more corrosive of the human spirit, and even of physical well-being, than for one to be told "you are not wanted" by the economic society in which one lives.

But even aside from this "end" value of full employment, the preceding depiction of how much we can expand our total production of goods and services in the decade ahead with full employment, and the subsequent depiction of how much this full production would yield in terms of human progress, make clear why full employment must be regarded as the top "means" priority. We cannot use what we do not produce. The thesis that mass unemployment would be tolerable (even assuming guaranteed incomes for all, including the unemployed), is defeatist beyond description.

Thus, the "Freedom Budget" rejects all "explanations" or extenuations of excessive unemployment, beyond the "frictional" minimum. It sets out to budget and create enough jobs to restore full employment at the earliest practical point in time, and to maintain it thereafter.

Full employment essential to war against poverty

The prime reason why full employment is the first "means" priority is that it is by far the most important single approach to the eradication of poverty. This truth is hidden by stressing the wide numerical disparity between the 34 million poor and a full-time unemployment rate of not far from 4 percent or only about 3 million people, comprising with their families perhaps fewer than 9 million people.

In the first place, the full-time unemployment rate now does not take account of the full-time equivalent of part-time unemployment. Underemployment is not consistent with full employment. Nor does it take account of the concealed unemployment among those who are not in the civilian labor force (and therefore not counted as unemployed) because scarcity of job opportunity discourages them from looking actively for work, and sends many of them instead into the pool rooms, the streets, and the knife gangs. Unemployment should really be measured against all those of working age who ought to be employed, not just against those actually participating in the civilian labor force. Taking these factors into account, the true level of unemployment (contrasted with the full-time unemployment rate of about 4 percent) is somewhere between 5¼ and 6 percent, or the equivalent of about $3\ ^{3}/_{4} - 4\ ^{1}/_{3}$ million full-time jobs. Translating these breadwinners into their family equivalents, this comes to about 11¼-13 million people.

In the second place, the same people are not unemployed throughout the year. In a year when full-time unemployment rate averages 4 percent, perhaps 12 percent of the labor force is unemployed for periods averaging about three months within the year. The consequent loss of income drags the majority of them below the poverty-income ceiling for the year as a whole, if they were not there already even when fully employed, because of substandard wages.

Even allowing for the fact that not all of the unemployed and their families are poor, it appears that about 40 percent of all the poverty in the U.S. is directly attributable to full-time unemployment or part-time unemployment, and that another 20 percent are poor because of substandard wages paid to their breadwinners when employed (which in itself is an aspect of an unsatisfactory employment environment). This accounts for about 60 percent of all the U.S. poor.

Moreover, the policies and programs designed to assure sustained full employment would necessarily include enlarging greatly the purchasing power of the other 40 percent of the U.S. poor who cannot or should not be employed. This 40 percent includes almost all of the 27 percent or so of the poor who are in consumer units headed by senior citizens (granted that some of these senior citizens should be accorded employment opportunity). It includes also the about 13 percent of the U.S. poor who are in consumer units headed by women who cannot or should not work (almost 32 percent of the U.S. poor are in consumer units headed by women, but much more than half of these women have or should have job opportunities.) Thus, a full-blown employment program would encompass, in one way or another, measures addressed to practically all of the poor, and not just to those in the working age population.

Further still, sustained full employment would generate the public revenues to finance the public programs which the poor (and others) need, whether employed or not. To illustrate: If we had enjoyed full employment and production during the period 1953-1965, tax revenues at all levels of government--at actually existing tax rates--would have been about 200 billion dollars more than they actually were. With these additional tax revenues during the thirteen-year period, we could have built 175 thousand school class-

rooms, and paid teachers one thousand dollars more each year than actually received; provided more than 500 thousand additional hospital beds and facilities; increased Social Security payments very substantially by means of public contributions; paid for thirteen years the subsidy contributions on 4 million units of low-rent housing; and used various public types of income-supplementation payments to lift the incomes of all of the poor families in the U.S. to an annual level for each of these thirteen years averaging $822 more than they actually received. (And there would have been enough left over, from these additional revenues, to have increased economic assistance overseas by about 50 percent, and to have spent about 20 billion dollars more toward expansion of our national defense efforts, if this had been deemed desirable).

The size of the full-employment task

The size of the task of restoring and then maintaining full employment is immense. Measured from a 1965 base, we need 4.6 million net additional jobs by 1967, in order to restore full employment by early 1968; 9.3 million by 1970; and 16.6 million by 1975. Even these estimates understate the problem. They are based upon assuming that a level of full-time unemployment just below 3 percent of the civilian labor force would be consistent with full employment; we really ought to be moving toward a target of 2½ or 2 percent unemployment, particularly because unemployment hits the "vulnerables" so much harder than it hits the labor force as a whole, and the "ideal" toward which we should strive is employment of everyone who should be participating in the civilian labor force. And these estimates of net additions to jobs do not include new jobs for those who will continue to be forced out of their current jobs by technology and automation, and by changing patterns of demand on the part of consumers and governments at all levels. Thus, it has been estimated that we may need a gross total of 22-27 million new jobs by 1975.

Aggregate approach to full employment

The aggregate approach to full employment insists that increases in total spending or demand, if large enough, will eliminate unemployment in excess of "frictional" or minimum unemployment. These increases in total spending may take the form of larger public outlays, without corresponding increases in taxation. They may take the form of tax reduction to induce more private spending, without corresponding reduction in public spending.

In addition, increases in total spending may be promoted in the private sector by reducing maladjustments in the distribution of income which cause saving to rise faster than it is actually utilized for production and employment purposes; Idle manpower and plant are manifestations of such excess saving. These needed corrections in the private sector may be achieved through voluntary adjustments in prices, wages, profits, and investments, which would bring into better balance our ability to produce and our ability

to consume. Adjustments in the private sector may also result from public policies which impose private obligations, such as minimum-wage legislation, various aspects of the Social Security program, and some regulatory programs.

In very large measure, the aggregate approach to full employment expresses an inescapable truth. Not a single unemployed person can get a job anywhere (except by taking it away from somebody else), unless there is additional spending to employ this person, even if there is a current job opening waiting to be filled. This means more aggregate spending. And since this additional spending adds to our total production of goods and services, there is a clear and direct correlation between the reduction of unemployment and the rate of economic growth. This rate must be speeded up considerably to restore and maintain full employment.

While there can be no doubt that we need even better programs of training and retraining than we now have, we must reject most emphatically the proposition that the main reason for excessive unemployment resides in the personal characteristics of the unemployed. This fallacy rests upon failing to distinguish between the reasons why too many are unemployed and the reason why particular people are selected for unemployment when there are not enough jobs to go around.

If the current level of full-time unemployment were to rise from 4 percent of the civilian labor force to 8 percent, due to insufficient spending to hold unemployment steady, the additional unemployment would be mainly among the "vulnerables." These would be the older workers; the young people seeking to enter the labor force for the first time; the semi-skilled and relatively unskilled; the nonwhites rather than the whites, and the women rather than the men, insofar as discrimination against nonwhites and women remained, or because discrimination during the past century and longer has prevented nonwhites and women on the average from having the degree of training and education which others have. But to say that this would be the reason why they became unemployed would be like saying that, if half of the people in a lifeboat died from exposure because they were not as strong as the others in the boat, the cause was the condition of their health rather than the shipwreck. Likewise, if there were too few lifeboats, and the stronger kept the weaker out.

Conversely, the reduction of unemployment to only about one percent of the civilian labor force during World War II provided jobs for those who a few short years earlier were "unfit," and also for millions who customarily did not enter the labor force at all. And the creation of job opportunities provides guidelines to effective training and education which do not otherwise exist.

RACE AND 105

To state all this in a different way, the fact that Negroes tend to be the first fired and the last hired when jobs are insufficient should not prevent us from recognizing that this phenomenon, so central to the racial problem, would not exist if there were jobs for all.

Structural approach to full employment

The structural approach to full employment, as usually defined, explains unemployment more largely in terms of the "unfitness" of the unemployed, and urges the training and retraining programs which would enable them to fill job openings which (it is claimed) already exist, or which (it is claimed) would automatically result from better-prepared seekers for jobs. The inadequacies of this approach, if pushed too far, have just been set forth.

Yet the structural approach, within appropriate limitations, has value also. For the very meaning of the new technology and automation is that a dollar of additional spending for one purpose will not help the job situation as much as a dollar of spending for another purpose. There are some industries where the rate of output per man-hour will continue to rise faster than any likely increase in demand for the products of these industries, no matter how much money consumers have jingling in their pockets. For example, if we use an index of 100 to represent the ratio of employment to production in the base period 1947-1949, this ratio by 1964 had fallen to 44.5 in agriculture; 57.3 in all manufacturing; 65.9 in iron and steel; 59.0 in electrical machinery and equipment; 57.8 in motor vehicles and other transportation equipment; and 58.1 in railroads.

We therefore need to redirect an increasing portion of total demand toward those goods and services where the increases in real national needs from year to year are so great that the servicing of these increased needs in full will outrun the rate of advance in technology and productivity, and thus contribute millions of additional jobs. This will also produce a job-product-mix including a much higher proportion of semi-skilled and relatively unskilled jobs, which is what large portions of the unemployed need at once. It is chasing a futility to train people for the job patterns of the past, which we could not repeat if we would, and should not repeat if we could.

For even apart from technological consideration, and although almost any kind of employment is better than unemployment, employment cannot be the sole criterion. We do not want leaf-raking nor pyramid-building. We cannot be satisfied with a million more jobs resulting from construction of luxurious hotels on the beaches and from production of superfluous gadgets by the hundreds of millions, if this substitutes for the additional jobs which would result from creation of effective demand and markets for the things we need most as a nation and a people. This consideration unites the goal of full employment with the goals for meeting the other priorities of our national needs.

Preparing an effective full-employment program

As full employment depends upon a careful admixture of the aggregate and structural approaches, much of the recent debate as to which of the two should be emphasized has been academic and futile, and conducted at the expense of the unemployed. There were similar debates when we had 8 million unemployed just before World War II. But when the war came, we got down to business. We assumed that we could not afford any large wastage of manpower or other productive resources. We budgeted full employment and full production, and we also defined the priorities of our national needs and resolved to serve them. Guided by these quantitative goals, we were able to achieve a synthesis of public and private policies and programs suited to the attainment of the goals. The results outdistanced expectation.

Granted that less stringent policies and programs are needed now, because we have more to work with and because we are not in a total war against external enemies, a similar method is embodied in the "Freedom Budget." But because the "Freedom Budget" is formulated without the vast resources available to the Government, and because the "Freedom "Budget" has no powers except those of persuasion, the fulfillment of its objectives requires that the Federal Government develop a more comprehensive and exact equivalent, whatever it might be called, and implement it with all the powers at its command.

This is no more than the explicit mandate of the Employment Act of 1946, which thus far has been seriously limited in its utilization. The Reports of the President and of the Council of Economic Advisers under the Employment Act should specify long-range goals, running five and perhaps ten years ahead, for sustained maximum employment, production, and purchasing power. These goals should be divided into components identifying what portions of our total output should serve the great priorities of our national needs. There should be specific goals for the total liquidation of U.S. poverty. There should be incorporated the concept of a specific adequacy standard of living for all Americans, assured in the main by the commitment to sustained full employment, and supplemented by measures to guarantee this adequacy standard of living to all those who cannot earn it through gainful employment.

Every economic policy and program conducted by the Federal Government, or involving Federal legislation, should be geared (1) to encourage others to go as far as they can toward attainment of all of the goals, and (2) to an unqualified commitment, by the Federal Government itself, to make up the difference between the full achievement of the goals and those portions of them which can elsewhere be achieved. The Federal Budget, national monetary policies, social security and housing and farm policies, and all other national

policies and programs importantly affecting the development and utilization of our economic resources, including our human resources should be included in the equivalent of a "Freedom Budget" in the Reports under the Employment Act.

Every legitimate reliance should be placed upon the role of private enterprise, community action, grass-roots participation, and action by State and local governments. But the very nature of a total effort against unemployment and poverty and all their manifestations, and toward serving the other great priorities of our national needs, calls for greatly increased emphasis upon Federal action.

Here again there is a close analogy to the civil rights movement. This movement started at the grass roots, and involved action at every level. But it gained substantial ground only through leadership decisions made in a Federal courthouse in Washington, a Federal Congress in Washington, and the Executive Branch of the Federal Government. The need for this is even more apparent on the economic and social front. Theoretically, the objectives of the civil rights movement could be achieved without Federal action, if the hearts and minds of 200 million Americans were fully attuned to these objectives. But even if everyone wanted to get rid of unemployment and poverty--and practically everyone does -- the specific actions toward these ends cannot be formulated, nor fully executed, by 200 million Americans in their separate and individual capacities. This is what our national union and our Federal Government are for, and we must act accordingly.

VI. Elimination of U.S. Poverty: The First "End" Priority In The "Freedom Budget"

In terms of "end" objectives, the elimination of poverty is the top priority of the "Freedom Budget." For the very word "poverty" brings together the whole cluster of our economic and social troubles: unemployment; substandard pay; bad housing; inadequate education and health care; malnutrition; deficient Social Security and welfare payments to those who cannot be gainfully employed; high concentration of crime, juvenile delinquency, and other social aberrations.

The amount of U.S. poverty, and goals for its reduction

In 1964, 9.1 million multiple-person families, embracing about 29 million people, lived in poverty. Adding 5.3 million unattached individuals, the total came to more than

34 million. The amount of income required to emerge from the poverty cellar depends upon the size of the consumer unit the number of children in the unit and their age distribution, the geographic location which to a degree affects the cost of living, and some other factors. But as a fair working rule, a multiple-person family income of $3,130, and an unattached individual income of $1,540, is currently used by the government and others as the poverty-income ceiling.*

Poverty Line

Even these data fail to present the whole picture. In 1964, 4.5 million multiple-person families had incomes under $2,000, and 3.1 million unattached individuals were below $1,000.

As has been stated, the goals for the reduction of poverty embodied in the "Freedom Budget" involve a top priority. They recognize the necessity for policies and programs which are not satisfied with sustained full employment and full production alone, and which concentrate upon many specific measures to fight poverty. They involve substantial redistributive efforts. Nonetheless, these goals for the reduction of poverty are fitted into an internally consistent range of "Freedom Budget" goals which take account of all other basic economic requirements and national objectives, contemplate balanced economic development, are designed for optimum growth in our overall economic strength, and (as will be shown) envisage income progress at all levels of the income scale.

In this full perspective, the "Freedom Budget" contains estimates that the total number of American multiple-person families living in poverty can and therefore should be reduced to less than three quarters of a million by 1970, and to about half a million by 1975. The number of unattached individuals living in poverty can and therefore should be reduced to about less than one and a third million by 1970, and to less than three quarters of a million by 1975. This would mean that, within the decade ahead, we can reduce the total number of people living in poverty from more than 34 million in 1964 to about two and a quarter million in 1975.**

The related problem of deprivation

Studies of the U.S. Department of Labor, brought up to date for changes in the cost of living, indicate that there is a very wide gap between the poverty-income ceiling and the income required for a "modest but adequate" budget. On the average, this budget might be set at about $6,000 for a multiple-person family. It therefore

*The money income concept is used throughout this discussion.
**See Chart Two.

People in Deprivation

appears conservative to say that families with incomes under $5,000 (not $6,000), but above the poverty-income ceiling of $3,130, live in deprivation, though not in absolute poverty. Those living in deprivation in 1964 came to about 7.5 million families, or about 26 million people.*

The "modest but adequate" budget for an unattached individual averages about $3,000, and an individual with an income below $2,500, but above the poverty-income ceiling of $1,500, should be regarded as living in deprivation. These totaled 1.7 million in 1964. Adding these to the about 26 million deprived people in multiple-person families, the total came to almost 28 million people.**

In many ways, the lot of those living in deprivation is especially poignant; their bread-winners in most instances are fully employed, and they are usually regarded as "respectable" people without having the incomes needed to live respectably.

A full-scale attack upon poverty cannot neglect the problem of deprivation. The sustained full employment and full production required to liquidate poverty would be much more difficult to attain, if we did not also increase the incomes and purchasing power of those living in deprivation. The policies and programs most needed to increase the incomes of the poor are equally applicable to a majority of the deprived. And it would be neither psychologically nor politically feasible to obtain the public consents required for a full-scale war against poverty, if the deprived were left out.

The "Freedom Budget" indicates that the 7.5 million families living in deprivation in 1964 can and therefore should be reduced to about 3 million by 1975. It would seem that the number of unattached individuals living in deprivation might actually increase from 1.7 million to about 2.8 million, but this would reflect the fact that so many of these now living in poverty will have moved upward into the deprivation category. Grouping together the families and the unattached individuals, the number of people living in deprivation could and therefore should be reduced from almost 28 million in 1964 to about 13 million in 1975.

These goals for the liquidation of poverty and the reduction of deprivation are not incompatible with income progress all along the line. For example, in 1964 there were 21.8 million multiple-person families living in comfort or affluence with

---

* The average size of families living in deprivation is higher than the average size of those living in poverty.

**As earlier indicated, 47 million lived above poverty but below the "modest but adequate" budget.

incomes of $7,000 or over; these could be lifted to about 42 million by 1975. Among unattached individuals, there were 2.4 million living in comfort or affluence with incomes of $5,000 or over; these could be lifted to 3.4 million by 1975.*

Importance of improved income distribution

The rather widespread idea that, if our economy grows rapidly enough, poverty will be reduced at acceptable speed regardless of improved income distribution, is entirely erroneous.

To be sure, sustained economic growth lifts the incomes of all. But while poverty is in part an absolute concept, it is also in part a relative concept. Poverty in the U.S. today does not mean the same thing as 50 years ago, nor does it mean the same thing as poverty in Africa or Asia today. Poverty in the U.S. today is to some degree relative to what others in the U.S. now enjoy. This does not mean that, if at some time in the distant future the lowest income fifth had incomes averaging $20,000 a year, they would still be regarded as living in poverty. But it does mean that, regarding social justice, we cannot remain satisfied with current income distribution when the lowest fifth are still so low in absolute terms.

In 1964, the highest income fifth of all U.S. multiple-person families received 41 percent of total multiple-person family personal income, while the lowest income fifth received only 5 percent, and the lowest two-fifths only 17 percent. It is arguable whether this distribution would be acceptable in terms of the American ideal, even if the lowest income fifth had average incomes of $20,000 a year. And it is certainly not acceptable, when more than the lowest income sixth of our entire population live in absolute poverty, and when almost all of the lowest third live in poverty or deprivation.

Even from the purely "economic" point of view, further improvements in income distribution are essential to the optimum progress and growth of the U.S. economy as a whole. From 1961 to 1965, total national production measured in uniform dollars grew 22.5 percent, and private consumer spending for consumer products grew at about the same rate. Government outlays at all levels for goods and services grew only 12.2 percent, and these also constitute a type of consumption of ultimate products. Meanwhile, private investment in the plant and equipment which add to our production capabilities advanced 45 percent. These disparate trends indicate the tendency of our power to produce to outrun ultimate consumption, which results in idle

*Again, see Chart Two.

manpower and plant, and, if continued long enough, results in economic downturns.

These disparities between production capabilities and ultimate consumption stem from disparities in incomes. From 1961 to 1965, wages and salaries grew 21.8 percent, or at close to the same rate as total private consumer spending, and farm proprietors' net income grew only 4.5 percent, while corporate profits grew 39.4 percent, personal dividend income 33.6 percent, and personal interest income 42.2 percent.

These disparities between investment and consumption, profits and consumer incomes, have been equally apparent during the most recent year. A stable and growing economy remains in serious jeopardy until these enormous disparities are greatly reduced through improved income distribution.

Main approaches to the reduction of poverty

The aspect of the current "war against poverty" which centers in the program of the Office of Economic Opportunity under the Economic Opportunity Act of 1964 is of tremendous significance. This program reflects the dedication of the President and the Congress to this war. It has brought the problem of poverty to the center of the national stage. It has enlisted the active cooperation of millions of men and women, in almost every county in the U.S. where poverty exists. It has already helped to reveal the nature and scope of the poverty problem, and in a short time made measureable gains against some aspects of this problem. The "Freedom Budget" projects very great enlargements in this program from year to year, supported by adequate funds. The program has already generated a wide variety of criticism, some constructive and some unworthy. What is said below is not intended to deal with these criticism, nor to enlarge the burdens of the devoted peoples at all levels engaged in the Economic Opportunity program.

Limitations of WAR on Poverty

But what has been already stated throughout this discussion, and what will be said further below, make it clear that the major aspects of a full-scale war against poverty cannot be found within the confines of the Economic Opportunity Act. Nor are these aspects implemented adequately by other national policies and programs.

This is because, to a very substantial degree, much of the current thinking about the "war against poverty" suffers from quite similar deficiencies to much of the current thinking about remedies for unemployment. There is a tendency to place excessive emphasis upon the personal characteristics of the poor as the explanation of the huge amount of poverty in an economy already as rich and productive as ours. There is correspondingly a tendency not to recognize how predominant a part of the treatment of the poverty problem depends upon full-employment policies, and income-

assistance policies for those who cannot or should not be gainfully employed. Such policies are not generated by personal processing of the poor. Indeed, without prompt development and application of such policies, the "war against poverty" might well generate resentment and reaction, by lifting expectancies much more rapidly than they are being fulfilled.

This point is so vital that it requires reinforcement by a detailed examination of the characteristics of the U.S. poor. In 1964, somewhat more than half of them were in consumer units whose heads had less than eight years of education. Improved educational opportunity is in itself a top national priority, and the "Freedom Budget" allows amply for this. But those who have less than eight years of education are scattered among many groups, and in most instances improved education would not in itself help much to lift them out of poverty.

For example, as already indicated, considerably more than a quarter of the poor live in consumer units with heads aged 65 and over. If we are to deal realistically and promptly with this problem (instead of relying upon the distant hope that the grandchildren of today will not be poor when they are grandparents if sufficiently educated), we must set about promptly to enlarge the Social Security and welfare payments to our abysmally neglected senior citizens--who are increasing by the millions from year to year.

More than one-eighth of all of the poor people in the U.S. live on farms. Their plight, and what to do about it, is highlighted in Chapter VIII. Undoubtedly, farm people have had relatively less educational opportunity than others. But this is not the reason why about 43 percent of all farm families are poor, compared with only about 17 percent of all nonfarm families. The reason is that our national farm policies have not succeeded in allocating to agriculture anything even approximating a fair share of national income, by compensating for the economic weakness of the farmer who sells his products in a "free" market (where prices fluctuate widely, responsible to th so-called law of supply and demand) and buys in an administered or controlled market; coupled with this, too much of the Government aid has gone to farmers who have needed it least, and too little to those who have needed it most. The reason is also that we have not made full use of our farm productive powers to fight malnutrition among millions of American poor children in nonfarm areas and to fight starvation among hundreds of millions overseas. Still another reason is that, in rural areas relatively even more than in urban areas, the "public sector" is starved with respect to educational and health facilities and personnel; this calls for "equalization" policies on the part of the Federal Government. To wipe out farm poverty, the education most needed applies to the policy-maker rather than to the farmer.

 POOR AND THE SOUTH

About two-fifths of all of the U.S. poor live in the South. But this poverty cannot be attacked by pointing out that its victims have the personal characteristics of being Southerners, or by moving them to Harlem. They are poor because their incomes are too low, and the lines of attack are employment opportunity, decent wages, farm-income improvement, larger Social Security and welfare payments, and better educational and health services in the "public sector." These lines of attack are set forth in more detail in later chapters.

Almost one-third of the U.S. poor, as already stated, are in consumer units headed by women. Considerably more than half of these women would be helped most by a full-employment environment, and by removal of discrimination with respect to hiring, pay, and advancement. Public financial support of an adequate volume of day-care services for children is essential, in order that these women may take the jobs made open to them. But almost one-sixth of the U.S poor are in consumer units headed by women who cannot or should not work. These "broken" families, concentrated most heavily of course among Negroes, are singularly neglected in most of the current inadequate efforts to make war against poverty. They are subjected to many types of pauperization and degradation in the very process of extending to a small fraction of them the various types of welfare payments, and even where these are extended they are in most cases woefully inadequate. This glaring aspect of the poverty problem requires as one step a great enlargement of welfare payments in several categories, both as to scope and size, and also substitution as rapidly as feasible of nationwide systems of adequate family allowances. The quantitative needs with respect to these programs are set forth more fully in Chapter X.

The point has already been developed that a full 40 percent of all of the poverty in the U.S. is due to inadequate employment opportunity; to remedy this, traning and education are an auxiliary approach to a nationwide full-employment policy and program. And about 20 percent of all the U.S. poor, as already indicated, are poor because their breadwinners receive substandard wages when employed. This aspect of the problem requires more extended treatment, which will follow shortly.

TRAINING

There is, of course, an appealing note in the concentration of the Economic Opportunity program upon the young. Insofar as this approach is based upon recognition that millions of the young have become warped and twisted by the poverty environments in which they have lived, it deserves vigorous support. But insofar as this approach relates to improving their general education, it may be proper to ask whether we should not concentrate also upon improving our general educational systems, and changing the environments in which these young people live so that they will not drop out of school even if their classrooms are pleasant and their teachers good. Insofar as this approach is based upon the training of the young in a vocational sense, the earlier-stated proposition applies that we need to know better what to train them for, and that in a full-employment environment most of them would be drawn into jobs and trained on the job.

And insofar as concentration upon the young carries any implication that it is too late to do much about their elders, this misinterprets the whole nature of the poverty problem. If we are addressing curselves to the more than 16 million poor children in the U.S., rather than to the relatively few who may be involved for a short period of time in special youth programs, we should all ask these pertinent questions: Can we

Rescue the young and their parents

really rescue the young, without rescuing their parents? Can we really rescue their parents, without profound alterations in the whole environment in which they live--especially the employment environment and the housing environment?

It is on the basis of these broad and balanced approaches that the "Freedom Budget" presents all of the essential ingredients in a full-scale war against poverty.

The problem of "the working poor"

Fair Labor Standards Act

We have already noted that about a fifth of all U.S. poverty is among those whose breadwinners receive substandard wages. Only about 63 percent of all nonsupervisory employees in the U.S. are covered by the Federal Fair Labor Standards Act, and only about 10 percent are covered by State laws which are far more inadequate. Thus about 27 percent of all nonsupervisory employees, or almost 13 million, are not covered at all.

Even among those covered by the Fair Labor Standards Act, the minimum wage is only $1.25 an hour. Assuming that the breadwinner enjoys fifty weeks of work per year and forty hours of work per week, the annual income yield of $2,500 is about 20 percent below the poverty-income ceiling for a family, and more than 58 percent below the "modest but adequate" budget. Assuming 7½ weeks of unemployment during a year, the annual income yield is about 32 percent below the poverty-income ceiling, and almost 65 percent below the "modest but adequate" budget. Even if there is a secondary worker in the family earning one-third as much as the primary breadwinner, the annual income yield at full employment is more than 44 percent below the "modest but adequate" budget. And assuming 7½ weeks of unemployment for each, the annual income yield is 9.5 percent below the poverty-income ceiling, and almost 53 percent below the "modest but adequate" budget.

The Bill reported favorably in 1965 by the House Committee on Education and Labor would lift Federal coverage to about 80 percent of all nonsupervisory workers. Its goal of a minimum wage of $1.75 an hour by 1968 for currently-covered workers and by 1970 for newly-covered workers is hardly adequate, and the lift by then or shortly thereafter should be to at least $2.00 an hour. The bill in its later stages, with the increase limited to $1.60 and its coverage less extensive, is even more inadequate by far. Even at $2.00 an hour, and with a secondary breadwinner as described above, the annual income yield would be more than 11 percent below the "modest but adequate" budget assuming full employment throughout the year, and more than 24 percent below assuming the above-stated amount of unemployment. The Federal minimum wage should be lifted to $2.00 an hour by 1968 or 1969, and its coverage extended to the limits of Federal jurisdiction under the Constitution.

The objection to prompt and adequate improvements in the Fair Labor Standards Act, on the ground that this would be "inflationary," will be discussed when we come to the subject of inflation and how to deal with it wisely and equitably.

The more generalized wage problem

The problem of inadequate wages is not limited to substandard wages. Wages in general are the dominant factor in consumer purchasing power, and the recurrent lag in consumer purchasing power behind the growth in our production capabilities is a major explanation of excess unemployment and inadequate economic growth. The dangerously disparate trends in various types of economic activity and incomes during the past four years and during the past year have already been depicted.

A major explanation of this difficulty is that the Federal Price-Wage Guideposts, while purporting to promote wage-rate gains in line with productivity gains, have not had this effect. During recent years, wage-rate gains have lagged very seriously behind productivity gains in the private economy as a whole, and even more so in the manufacturing sector where the hue and cry has been raised that excessive wage rate increases have forced prices upward.

Right-to-Work Laws

Further unionization would also help to correct the wage lag, and this would be assisted greatly by Federal legislation obliterating the so-called "right to work" laws in some States.

VII. Replacing The Slum Ghettos: "End" and "Means" Priority In The "Freedom Budget"

End Means Priority

The removal of the slum ghettos which now infect our cities, and of substandard housing in other areas as well, is the top specialized priority in the "Freedom Budget", as distinguished from the broader objectives of getting rid of excess unemployment and poverty. It is an "end" priority, because substandard housing is both a cause and by-product of poverty itself, and perhaps the main factor in what has been called the "self-perpetuating" nature of poverty. And it is a "means" priority, because rapid expansion of home construction, with the other outlays which it would spark, can perhaps contribute about half of the 22-27 million new jobs we need by 1975.

How many are ill-housed, and why

Although there is no satisfactory single test of what constitutes unsatisfactory housing, the 1960 Census described as "seriously deficient" about 9.3 million housing units in the U.S., or about one-sixth of the total. Allowing for what appears to be some understatement, at least one-fifth of all our people were ill-housed when the most recent comprehensive count was made.

The bad housing is occupied predominantly by the poor. According to the Census, less than 21 percent of all renter-occupied housing and only about 7½ percent of all owner-occupied housing in metropolitan areas were unsound. But in the case of occupancy

by families with incomes under $3,000, about 60 percent of the former and about 34 percent of the latter were unsound. And among consumer units with incomes under $2,000, it appears that at least 4 out of 5 lived in unsound housing.

The poor in the main are not getting decent housing because it is not "profitable" to provide it for them. Even with the protection of Government insurance through the Federal Housing Administration, far less than one percent of the new single-family homes are purchased by those with incomes under $4,000. The production of new rental housing for the poor on a "profitable" basis has been even more negligible. And the provision of new housing for the higher income groups does not enable decent housing to be "handed down" to the poor in any substantial volume. The proof positive of this is the amount of substandard housing still in use, and its highly unsatisfactory rate of reduction in recent years.

Housing goals through 1970

It is going around in circles to argue that the poor should not move into decent housing, except at the pace that they move out of poverty and are able to pay for it on their own. For the slums themselves make the individual and the family less able to move forward on their own; and without a vast rehousing program throughout the decade ahead, there cannot be the sustained full-employment environment which must underpin the whole war against poverty.

FULL EMPLOYMENT ENVIRONMENT CANNOT BE SUSTAINED WITHOUT A VAST REHOUSING PROGRAM THROUGHOUT THE DECADE

In 1965, there were about 1.5 million traditionally financed private nonfarm housing starts for middle-income and high-income families. There were only about 40 thousand starts for low-income families and for lower-middle income families combined. Measured against need, this was a travesty.

The goals which now should be established, and fortified with appropriate policies are these:

By 1968 and through 1970, we should be starting about 1.2 million traditionally financed private nonfarm housing for middle-income and high-income families. A higher rate is neither desirable nor sustainable, because it recurrently saturates the market for this kind of housing, and explains the extreme instability of housing construction which has contributed mightily to general economic instability and high unemployment.

We should start moving upward now toward 400 thousand starts of lower-middle income housing in 1968, and about 500 thousand in 1970. This program requires an enterprising combination of private and public efforts. It calls for large increases in public outlays for aid to land acquisition and other aspects of urban renewal. There

is imperative need for powerful use of the credit of the Federal Government, either through loans or guarantees, toward very much lower interest rates and much longer terms of amortization. The Government should be making credit available for this type of housing at an interest rate not higher than the average interest rate on all outstanding Federal obligations.

Even this will not be good enough, if the Government does not combat the trend toward rising interest rates of all types, instead of abetting this trend by lifting the interest rates on its own obligations. The strategic position of the Federal Government in the money markets should be used forthrightly to drive all interest rates sharply downward.

The nonfarm housing starts for low-income families, with annual subsidies to make up the difference between the annual cost and what these families can afford to pay without excessive strains upon their overall budgets, should be lifted year by year to at least 400 thousand in 1968, and 500 thousand in 1970. Allowing for increased efforts by the States and localities, the main drive in this connection must come from translating the Federally-assisted effort from a shabby token program to meaningful proportions.

The farm population also suffers from extremely bad housing. Although this problem is most intimately connected with the general problem of the restoration of our rural people to their proper place in the economic structure (see Chapter VIII), some note should be made of it at this point. The tragic condition of the housing supply for Negroes in farm areas had only one limited example in the Mississippi delegation which set up tent cities on Lafayette Square in Washington, D. C., to dramatize the housing needs of sharecroppers throughout the rural South.

Why is public housing called "unpopular"?

The alleged "unpopularity" of the publicly-assisted programs to rehouse slum dwellers arises not from the fact that they have gone too far, but rather from the fact that they have hardly made a dent. So long as this kind of housing continues to be built annually for less than one-tenth of those who need it, nine families must be excluded for every one that is taken in, the rules of exclusion are harsh and arbitrary, those taken in are plagued with rules and regulations, and driven out again when their incomes rise enough to make them deprived instead of poor. This very process breeds resentment, turmoil, discrimination, and misunderstanding, and tends to replace the old slum ghettos with new slum ghettos--more livable, to be sure. But when this housing effort rises to the challenge which confronts it, it can become as successful and as "acceptable" as in some other countries which have done so much more on this front with so much less to work with.

A sufficiently massive effort would substitute purpose for patchwork, permit more mixed-income occupancy, make living in a "project" akin to living in other satisfactory

housing, and remove from the "projects" their cruel identification as homes for the poor.

The housing program contained in the "Freedom Budget" would reduce the amount of seriously deficient housing from 9.3 million units in 1960 to 3.5 million by 1970. The rest of the job could be done by 1975.

Impact of improved housing upon urban renewal and economic growth

Although our urban renewal efforts have been grossly inadequate to date, they have run too far ahead of our efforts to replace the slum ghettos with decent housing. While the destruction of slums has been inadequate, the rehousing of slum dwellers has lagged even further. In consequence, many slum dwellers have been crowded into other slums, where they pay even higher rents because of the shortages thus created. In a more commendable effort, massive projects to rehouse the poor should be built first, and, after they move in, the slums they have left should be torn down. Parks and throughways and shiny new office buildings are all to be desired, but they do not get rid of the slums nor lift the oppression from those who live in them. They may even breed resentments by the contrasts they create. Flowers in the park do not remove the smell in the slum.

The replacement of the slum ghettos with new housing for their occupants at adequate pace would not only make other aspects of urban renewal more acceptable, but also augment them greatly. Development of community facilities and public improvements of all types would follow in the wake of the needed housing effort. More would be spent for every commodity which enters into housing and other urban construction, and for furnishings and equipment within the structures.

About half a million more new housing starts per year during the next decade than in 1965, or 5 million more for the decade as a whole, would probably entail for the decade as a whole about 50 billion dollars more of direct housing investment than would result from maintenance of the current level of housing starts. Considering the unusually high multiplier effect of housing on other outlays, the incremental spending over the decade might aggregate 100 to 150 billion dollars. Construction employment would rise, from a 1965 base, about 35 percent by 1970, and about 53 percent by 1975.

Accompanying social benefits

The social benefits would be even greater, though less subject to quantification. The crime, juvenile delinquency, and disease which concentrate in the slums would be reduced. Making our cities decent places in which to live would reduce the egress of the affluent to the suburbs. It would at least slow down the process whereby we are

Two Americas - Poor in the cities while the

now inexorably becoming two Americas--with the poor forming increasing proportions of those living in the cities, while others move out. And with the affluent and influential forming a reasonable proportion of the total city population, the cities would have both the means and the will to finance adequately the popular services which are now being starved--with this starvation feeding the very poverty which it reflects.

better cities move out

VIII. Agriculture, Natural Resources, And Regional Development

Our farm people and the farms on which they work are among our most important resources. But these resources have been sorely neglected. Millions of acres have been retired from production, despite widespread malnutrition among the poor at home, and starvation among hundreds of millions overseas. Millions of farmers have been forced off the land, to find for the most part unemployment and poverty elsewhere. Even now, on a family or per capita basis, the concentration of poverty is about 2½ times as high in agriculture as in the nonfarm economy. Despite considerable improvement in farm income during the past year, per capita farm income from all sources in 1965 was only $1,610, and per capita income from farm sources only $1,060 compared with per capita nonfarm income of $2,800. This, after a generation of efforts to bring our farm people up to income parity with others.

A long-range full employment, production, and purchasing power budget for agriculture is an essential part of the "Freedom Budget." The main features are: (1) Goals to assure adequate, balanced, and pleasant diets for the U.S. poor, without waiting until they are no longer poor, through expanded food stamp and other distributional programs; to meet the growing food and fiber needs of our growing population in an economy and industrial system expanding at optimum rates; and to enlarge vastly our exports of foods and fibers to the half of the world where most of the people go hungry. (2) Goals to maintain our farm population and farm lands at levels which will assure the needed volume of output. Even allowing for the uniquely rapid advance of technology and productivity in agriculture, this will require a virtual stabilization of our farm population during the next decade, plus large increases in acreage and livestock breeding units. It will require that submarginal farmers receive the credit, incomes, tools, and skills to become self-sufficient, farmily-type farmers. (3) Goals to eradicate farm poverty, and to bring farm families very close to parity of incomes with others by 1975. This will require a gradual shift from price supports to income supports, and determined efforts to channel the help to those who need it most instead of those who need it least. (4) Goals for improved public services in rural areas,

where they are even more deficient than elsewhere, with respect to education, health, subsidized housing for those who need it, and social security and welfare payments. This will require the reconstruction of all of these programs as dealt with elsewhere in the discussion, and ever-increasing recognition that the Federal Government must use its powers of spending and taxation as an "equalizing" force. It is noteworthy that some of the States which are spending least on a per capita basis for these public purposes are spending most relative to their wealth and resources.

These goals for agriculture depend upon a complete reversal of recent and current attitudes toward farm outlays in the Federal Budget. These outlays have been pounded for many years, even from sources which should know better, on the ground that they are "wasteful". Certainly the farm program, like most other programs, could be more efficiently conducted. But most of the money expended under the farm program has not consumed our economic resources; it has merely redistributed them so that the farm population has received a larger share than it otherwise would, even though a totally inadequate share. This has not only achieved a moiety of justice for the farm population, but it has also been immensely beneficial to all the rest of us. It has protected the whole economy from the catastrophic declines in farm incomes and prices which used to spark general economic downturns of severe size with considerable regularity throughout our history before World War II.

The help extended to the farm population by the nation at large under national farm programs, constantly subjected to hue and cry on the ground that it is "excessive" should be measured against the real benefits conferred by the farm population upon others. Despite the talk about rising food prices (for which the farm program is only in part responsible because much of the rise at the consumer level is due to other factors), the American people today are fed more bountifully than ever before, and their food costs have come to occupy a constantly declining portion of their total budgets. The farm population, which is providing this service to the whole American public, for an income return coming to little better than half of income parity with others, is really subsidizing others, instead of others subsidizing it.

Conservation and replenishment of natural resources

Resource development in the United States has far from kept up with the requirements of a rapidly-growing population, immense population shifts, and industrial development. Critical shortages of water and power persist in many highly populated areas. Airs and waters remain polluted. Recreation facilities are unavailable for those who need them most.

These quantitative and qualitative shortages are closely connected with the whole problem of poverty and unemployment. Shortages of any kind tax the poor more than others. Recreational facilities will always remain adequate for those who have the means to get there, and to pay for what it costs to stay there. The needed programs of resource conservation and replenishment would provide millions of jobs, and, as in the case of housing and urban renewal, would have the additional merit of a high product mix of relatively less skilled jobs. And this is what is most needed without delay for the majority of those among whom unemployment is most heavily concentrated.

Our resource development programs should also intensify the industrial development of atomic energy, with sufficient public controls to make this energy the servant

of the people, instead of a source of excessive private gains.

The "Freedom Budget" includes a long-range budget on this whole front.

Regional development and the distressed areas

There are wide variations in the amount of poverty and unemployment from region to region. The most drastic and tragic aspects are to be found in the so-called "distressed areas." Thus far, the programs in Appalachia and elsewhere are merely nibbling at the fringes of these problems. Attempts to "solve" these problems by moving people from the distressed areas to other areas, or by attracting industry and employment from other areas to these distressed areas, will remain merely robbing Peter to pay Paul until we have a sustained full-employment environment.

Most important still, the ad hoc treatment of the "distressed areas" must be massive and comprehensive enough to embrace full-scale programs for economic development. It has been a generation since we developed one TVA. With appropriate modifications, we need many of them.

Abcve all, the plans for relief of the "distressed areas" and for regional development must be integrated with a "Freedom Budget" of nationwide scope and purpose. Without this, the public outlays essential in the stricken areas will not receive the support of the American people as a whole.

IX. Direct Investment In Human Resources: Education, Training, And Health

Nothing said earlier in this discussion should be construed as playing down the role of personal improvement as a factor in economic and social progress. The intent has been merely to appraise more carefully the extent to which these specialized efforts bear upon problems of unemployment and poverty. Moreover, valuing the individual above all else, we should honor better education and training and health because they enlarge the individual in all respects, rather than merely as aids to job and more income. We would need more and more of these programs, even if everyone were employed and affluent.

Education

For more than twenty years, the quantitative and/or qualitative shortages of classrooms in our public schools have been accumulating. Instead of remedying them adequately, we have tended to redude the estimates of shortages. We need, for at least six years ahead, and very conservatively stated, a construction program of more than a hundred thousand public classrooms a year. This would require outlays of about 27 billion dollars. Allied with

this, we need during the next six years about a hundred thousand new teachers per year in the public schools, allowing for retirements and other withdrawals, the current shortages, and population growth. It is estimated that not more than two-thirds of this need will be filled, without improved teacher-preparation programs, and much higher pay.

With respect to higher levels of education, it has been estimated that there are now at least 200,000 young people who are ready for college but lack the means; the figure is probably much higher, and this problem is acute among young Negroes. The number will increase, in consequence of the very high birth rates during the early postwar years, and further improvement in secondary education. Comparing 1975 with 1963, the number of students who should be enrolled in schools of higher learning should approximately double. Under existing programs, neither the facilities nor the personnel will be available to meet these needs.

Federal Government

With the States and localities straining their budgets, their borrowing capacities, and their available sources of revenues, a very large share of these needs must be met by the Federal Government, if they are to be met at all. This has long been recognized by all in every way--except programmatically.

Training and retraining

The very commendable training and retraining programs for the poor and deprived, and mostly the young, under the Economic Opportunity Act are essential and should be greatly increased. This is also true of general manpower efforts. But even when increased, they alone are not enough. Handicapped workers need more attention. Vocational training needs be greatly expanded. Federal aid in the form of relocation allowances should be instituted

We need to draw a sharper distinction between education and training for preparation enter the labor force, and education and training to upgrade the existing labor force--and do much more in both categories.

The main advances in all of these areas must come, if they are to come at all, throug very great enlargement of public outlays in the category of labor, manpower, and other welfare services. But as urged throughout, these can be brought into clear focus only if used as auxiliaries to programs which create jobs.

Health services and research

The recent enactment of Medicare, after years of struggle, evidences recognition by the American people and their elected representatives that medical care should be brought into line with the advance of medical science, at costs which the recipients can afford to pay. But Medicare touches only a small fraction of those within our population who cannot obtain adequate medical care at costs within their means. Only

one-third of all families with incomes under $2,000 a year have health insurance, compared with three-fourths of all American families. About 60 percent of the hospital patients in the lowest income groups have none of their bills paid by insurance, and this runs up to 72 percent in the case of surgical patients. Although there is a direct correlation between low incomes and practically all types of disease and mortality, the hospitalization rates for nonwhites, where poverty is so highly concentrated, is 20 percent lower than for the population as a whole.

We should approximately double within the next ten years the annual rate of outlays for hospital construction, merely to keep pace with population increases, to serve even the most essential requirements for replacement and modernization, and to provide indispensable facilities for out-patient care. Even such efforts would do no better than cut in half the severe current shortages by ten years from now. In addition to hospital construction, there is need for expanding rehabilitation and out-patient facilities. This should include diagnostic and treatment clinics; facilities for long-term care; nursing homes, especially for the elderly; and public health and mental health clinics.

The shortage of health personnel has by now become alarming. It is estimated that, even to maintain the present very deficient ratios of health personnel to population, the number of physician graduates must be increased by 50 percent by 1975, and the number of dentist graduates doubled. Programs now in evolution will not meet this need.

In the field of medical research, the pending programs of the National Institute of Health and other agencies, both public and private, give promise of significant breakthroughs in scientific fields. But great gaps still remain. The dollar-and-cent cost of those disabilities which medical knowledge has not yet been able to prevent or reduce significantly are staggering. Cancer disabilities alone cost nearly one-half billion dollars per year in lost earnings, aside from the cost in lost production. The human cost is incalcuable.

All in all, seriously inadequate medical care now handicaps about 40 percent of our population--which is not far different from the numbers who live in poverty or deprivation. The genuine answer is a nationwide, universal system of health insurance. Experience with Medicare, and enlarged medical facilities and personnel, would establish a stronger base for this program. The battle for its enactment, abandoned many years ago, should now be resumed.

National universal system of health insurance

X. Help For Those Who Cannot Help Themselves: Social Insurance And Welfare Payments

Even in a full-employment environment, and with adequate pay for those employed, there will be those who cannot or should not work. Within this category, as already noted, we find those who, with their dependents, come to about two-fifths of all the U.S. poor. Our economic strength and our social conscience both dictate that we should allocate to these people a fair and decent share of our total national product and income. And increasingly, we should put these payments to those outside the functioning economic system on a basis which no longer requires that they be poor, or prove themselves poor, in order to receive such payments. They should receive them as a matter of right. A steady and growing flow of income to these people, rationally determined within the perspective of the "Freedom Budget," will also help to maintain a full-employment environment for others. Help to the needy will help provide employment for others President Johnson

OASDHI and public assistance for the elderly

The original intent of the nationwide old-age insurance system, established in 1935, was that within a generation or so our senior citizens would receive, as a matter of right, payments adequate to maintain an American standard of living. But the improvements in this system from time to time have neither kept up with the cost of living nor been fully responsive to our nationwide gains in per capita income and wealth.

President Johnson has initiated substantial progress along this line. The 1965 amendments to the Social Security Act extended benefit rights to additional groups of people, and eased the requirements for entitlement. The first impact of these changes was felt in September 1965, when both the number of beneficiaries and the amount of benefits increased. The title of the program has been changed from OASDI to OASDHI, reflecting the inclusion of contributions for health insurance for the aged, although beneficiaries will not actually receive such benefits until July, 1966.

As of now, it has been estimated that, among those aged 65 and over receiving OASDHI benefits, between two-thirds and three-fifths live in poverty, taking into account their incomes from all sources. And millions of them are not pressing against the poverty-income ceiling, but are from 25 to 50 percent below it. Even in October 1965, the average OASDHI benefit to retired workers was only $84.00 a month, or at an annual rate of only $1,008.00. The annual rate of payment was less than $1,550 for a retired couple, and only slightly above $2,900 for a four-person family with a widow and three children.

There are now more than 20 million people receiving OASDHI benefits, and there will be 10 million more within a few years. The average size of these benefits should be at least doubled within five years. The complete reliance of this system upon payroll taxes is highly regressive, and the building of "reserves" analogous to those in a private system has no real merit in a public program. While it is too late to start afresh, a major portion of the sums required to lift the benefits under OASDHI should be contributed by the Federal Government, and financed on an annual basis through the progressive income tax.

While it was the original intent of the OASDHI system that the Public Old Age Assistance Program would gradually disappear, there remained in October 1965 more than two million recipients of this assistance. Among those aged 65 and over receiving Old Age Assistance but not receiving OASDHI benefits, about nine out of ten live in poverty. In October 1965, the average old-age assistance monetary benefit was only $61.16 a month, or $733.92 a year ($79.19 a month, including nonmonetary medical vendor payments). Average benefits varied enormously by State, ranging from more than $112 a month in New Hampshire to $39.15 in Mississippi. Adding insult to injury, many of these old people are forced to take the humiliating equivalent of a pauper's oath before they qualify for assistance.

With greatly increased Federal aid, the same retirement and income goals should be sought for our senior citizens helped by pensions as for those helped by insurance, and for those who, for one reason or another, receive neither. There is also room for very substantial improvement in those aspects of aid to the elderly which deal not with old-age assistance proper, but with other types of assistance including medical help.

Other deficiencies in welfare programs VARIATIONS

The average size of public payments to the aged for medical assistance varies tremendously from State to State. While the nationwide monthly average in October 1965 was about $184, the average was only $34.74 in Kentucky, $25.27 in West Virginia, and $11.94 in Nevada.

In October 1965, the average monthly aid in the form of payments to the blind averaged $89.17, including nonmonetary payments. Meanwhile, the State public assistance payments to the permanently disabled and totally disabled averaged only $63.22 monthly in monetary terms, and only $86.47 including nonmonetary vendor payments. Under OASDHI, the average monthly payments to disabled workers, converted into their yearly equivalent would provide less than $1,595 for a family consisting of a disabled worker and his wife, and less than $2,400 a year if there are also two children. In many of

the State laws, regulations and restrictions, as to the degree and proof of disability in order to qualify, work seriously against effective help.

None of these data reflect the immensity of the neglect, because the number of recipients represents only a small fraction of the total need. The average number of recipients per month under the State programs of payments to the aged for medical assistance is now less than 300,000.

In a broad sense, the concept of the general welfare extends to practically all of the types of specialized public payments which have thus far been depicted. In addition, help is extended to others, such as needy families with dependent children. But in October 1965, this assistance averaged only $34.95 monthly per recipient, which on an annual basis would come to less than $1,260 for a family of three. And about 86 percent of the families receiving this type of aid receive no other type.

The States have developed a special category of payments in the form of general assistance. The average monthly payments per case in the general assistance categories was only $32.08 in October, 1965. The most glaring example of neglect in the whole field of welfare action has been the enduring failure of the Federal Government to make any contributions to State programs of general assistance.

Legislation to provide cash maternity benefits is virtually nonexistent in this country. Yet there are at least 15 million children, of whom 4 million are under 6 years of age, and 5 million between 6 and 11 years of age, who have mothers working outside the home. There are about half a million fatherless families, with children under 6 years of age, whose mothers are in the labor force.

Toward a unified nationwide system of guaranteed incomes

The guaranteed annual income is a highly desirable goal, designed to assure a nationwide and universally guaranteed decency standard of income for all those who legitimately cannot obtain it through their own efforts. It is based on the inescapable fact that an economy as rich and powerful as ours cannot countenance widespread deprivation, much less widespread poverty. One immediate need in this direction is greatly increased Federal assistance in all of the welfare categories; another is Federal entry into the field of general public assistance. Beyond this, and even more important, there is need for gradual elimination of the whole patchwork of ad hoc public assistance programs, which are highly inefficient and costly relative to their results and which tend toward pauperization of recipients, and substitution of the unified guaranteed income.

But this proposal for a guaranteed annual income becomes excessive and unattainable when not founded upon recognition that it should be supplementary to rather than in lieu of a nationwide full-employment policy. Indeed, it is even more important that the Federal Government guarantee sustained full-employment than that it guarantee incomes for all. To put this in a preferable way, a Federally guaranteed full-employment policy should be at the very heart of a guaranteed-income policy. This Federal full-employment policy should undertake forthrightly and immediately to provide jobs at adequate wages for all those who should be participating in gainful employment, but who cannot be or are not gainfully employed at other levels of private and public responsibility. Aside from the fact that practically any type of employment is better than unemployment on all grounds, our unmet national needs in the public sector which require massive Federal action if they are to be serviced means that this type of employment would be of no less value in terms of goods and services created than other types of employment, and of far more value than a substantial part of current and prospective employment directed toward the production of relatively less desirable goods and services.

Unemployment insurance and workmen's compensation

Many of the State unemployment insurance systems are miserably inadequate, as to duration of benefits, size of benefits, and sufficiency of available funds. With

improved Federal standards and large Federal contributions, we should move immediately toward making unemployment insurance payments the right of all those unemployed through no fault of their own, for as long as they are unemployed, and with an average benefit payment at least half the average full-time working wage (or more than this, if that be required to comport with the goal of a guaranteed income at decency levels).

With increased Federal aid, disability coverage under public assistance and OASDHI should be as broad as the broadened coverage under unemployment insurance, and disability payments should be lifted to adequate standards as to amount and duration.

All of the States and the District of Columbia have workmen's compensation laws, but these are still very weak. In only about half the States is the compensation compulsory; benefits in general are very low; death benefits and duration of payments to widows are seriously limited; payments for medical care and rehabilitation are very inadequate; and operations in general are seriously impaired by a variety of undesirable restrictions bearing upon eligibility. The time has come to utilize Federal standards toward the needed improvements in workmen's compensation, which should be guided by the same considerations set forth in connection with unemployment insurance.

In sober truth, the levels of our social welfare outlays in the aggregate cannot stand up under any reasonable test. Expressed in uniform dollars on a per capita basis, nationwide publicly financed social outlays have advanced very slowly during the past fifteen years. Measured in ratio to total national production, they have been virtually stationary since 1961. The 1964 ratio of 7.7 percent (excluding outlays for education) was appallingly low, in terms of our real priority needs.

XI. The Role Of The Federal Budget In The "Freedom Budget"

Just as our Federal Government is the leadership agency for implementing the "Freedom Budget," so the Federal Budget is the main instrument of national economic policy. It identifies our national priority needs, whether adequately or inadequately, and through expenditure and tax programs allocates resources in accord with this identification.

In recent years, the Federal Budget, granted that it has had to carry a heavy national defense program, has not responded adequately to these great priorities of our national needs. Measured in ratio to total national production, conventional Budget outlays were 17.7 percent in fiscal 1947, the first full year in an economic sense after World War II. By 1961, they had declined to 16.08 percent, and for fiscal 1967 are estimated at 15.05 percent. This downward movement has also had an adverse effect

improved Federal standards and large Federal contributions, we should move immediately toward making unemployment insurance payments the right of all those unemployed through no fault of their own, for as long as they are unemployed, and with an average benefit payment at least half the average full-time working wage (or more than this, if that be required to comport with the goal of a guaranteed income at decency levels).

With increased Federal aid, disability coverage under public assistance and OASDHI should be as broad as the broadened coverage under unemployment insurance, and disability payments should be lifted to adequate standards as to amount and duration.

All of the States and the District of Columbia have workmen's compensation laws, but these are still very weak. In only about half the States is the compensation compulsory; benefits in general are very low; death benefits and duration of payments to widows are seriously limited; payments for medical care and rehabilitation are very inadequate; and operations in general are seriously impaired by a variety of undesirable restrictions bearing upon eligibility. The time has come to utilize Federal standards toward the needed improvements in workmen's compensation, which should be guided by the same considerations set forth in connection with unemployment insurance.

In sober truth, the levels of our social welfare outlays in the aggregate cannot stand up under any reasonable test. Expressed in uniform dollars on a per capita basis, nationwide publicly financed social outlays have advanced very slowly during the past fifteen years. Measured in ratio to total national production, they have been virtually stationary since 1961. The 1964 ratio of 7.7 percent (excluding outlays for education) was appallingly low, in terms of our real priority needs.

XI. The Role Of The Federal Budget In The "Freedom Budget"

Just as our Federal Government is the leadership agency for implementing the "Freedom Budget," so the Federal Budget is the main instrument of national economic policy. It identifies our national priority needs, whether adequately or inadequately, and through expenditure and tax programs allocates resources in accord with this identification.

In recent years, the Federal Budget, granted that it has had to carry a heavy national defense program, has not responded adequately to these great priorities of our national needs. Measured in ratio to total national production, conventional Budget outlays were 17.7 percent in fiscal 1947, the first full year in an economic sense after World War II. By 1961, they had declined to 16.08 percent, and for fiscal 1967 are estimated at 15.05 percent. This downward movement has also had an adverse effect

upon employment and economic growth.

Without debating whether Federal Budget outlays for national defense were too high or too low or about right over these years, the fact that the total Budget was too low to perform its function in helping to maintain reasonably full employment and production means that domestic outlays in the Federal Budget were too low if one assumes that outlays for national defense were about right. They were certainly too low, in terms of the great priorities of our domesti needs. In ratio to total national production, Federal Budget outlays for all domestic programs declined from 8.17 percent in fiscal 1947 to an estimated 5.71 percent for fiscal 1967. Measured against the growing needs of a growing population, outlays for all domestic programs in the Federal Budget on a per capita basis declined from $230.91 in fiscal 1947 to an estimated $198.04 for fiscal 1967.

Proposed priority programs in the Federal Budget

To help implement the great priorities of our national needs, described above in some detail, and with full allowance for private and for State and local action, a Federal Budget is incorporated in the "Freedom Budget."

This Federal Budget is reconciled with all major goals for employment, production, and incomes in the "Freedom Budget."*

The "Freedom Budget" makes no attempt at independent judgment as to our national requirements in the category of national defense, space technology, and all international. But in order to make clear how much room there is for fulfillment of the great priorities of our domesti needs, it adopts in this category what might be called the composite judgment of informed experts. On this basis, total Federal Budget outlays in this category would rise from 70.018 billion dollars in fiscal 1967 to 87.500 billion dollars in calendar 1975, but would decline from 9.34 percent to 7.81-8.06 percent of total national production in a properly expanding U.S economy. If these estimates should turn out to be too high, there would be just that much more room for domestic programs.**

For all domestic programs, starting with the actual for fiscal 1967 and projecting goals for calendar 1970 and 1975, total Federal Budget outlays should rise from 42.829 billion dollars/to 57.500 billion and then to 67.500 billion; on a per capita basis, they should rise from 198.04 dollars to 275.12 dollars/and then to 298.67 dollars/; as a percent of total national production, they should rise from 5.71 to 6.55-6.61 and then decline to 6.03-6.22.

For the Economic Opportunity program, progress on other fronts in the years ahead would perhaps reduce tne need for this program to less than it would otherwise be. Nonetheless, total Federal Budget outlays for this program should rise from 1.600 billion dollars/in 1967 to 3.000 in 1970 and then to 4.000 billion in 1975; on a per capita basis, from $7.39 to $14.36 and then to $17.70; and as a percentage of GNP from 0.21 to 0.34 and then to 0.36-0.38.

For housing and community development, total Federal Budget outlays should rise from 0.123 billion dollars/to 3.350 and then to 3.800 billion; on a per capita basis, from $0.57 to $16.03 and then to $16.81; and as a percentage of GNP from 0.02 to 0.38, and then decline to 0.34-0.35.

*See Chart Three.

**Fiscal 1967 portrayals of total outlays are in current dollars. All other portrayals are in 1964 dollars to make them consistent with other phases of the analysis and goals. The ranges for 1970 and 1975 throughout this phase of the discussion are based on the higher and lower projections for total national production (GNP).

For agriculture and natural resources combined, total Federal Budget outlays should rise from 6.434 to 10.500 and then to 12.000 billion; on a per capita basis, from $29.75 to $50.24 and then to $53.10; and as a percentage of GNP from 0.86 to 1.20-1.21 and then decline to 1.07-1.11.

For education, total Federal Budget outlays should rise from 2.834 to 7.000 and then to 9.500 billion; on a per capita basis from $13.10 to $33.49 and then to $42.04; and as a percentage of GNP from 0.38 to 0.80 and then to 0.85-0.88.

For health services and research, total Federal Budget outlays should rise from 3.621 to 4.800 and then to 7.000 billion; on a per capita basis, from $16.74 to $22.97 and then to $30.97; and as a percentage of GNP from 0.48 to 0.55 and then to 0.62-0.65.

For public assistance, and labor, manpower, and other welfare services, total Federal Budget outlays should rise from 4.741 to 6.600, and then to 7.500 billion; on a per capita basis from $21.92 to $31.58 and then to $33.18; and as a percentage of GNP from 0.63 to 0.76 and then decline to 0.67-0.69.*

In order to help provide needed expansion of benefits to the aged under the OASDHI program, without excessive reliance upon regressive payroll taxes, Federal Budget contributions to this program (financed by progressive taxation) should be promptly instituted. These contributions should be at least one billion dollars by 1970, and at least two billion by 1975

Reasonableness of the Federal Budget projections

There are various ways of measuring the reasonableness of these Federal Budget projections, and indicating that they would neither distort the traditional balance between Federal actions and other public and private actions at all levels, nor impose an excessive strain upon the Federal Budget.

First, the Federal Budget in calendar 1970 would be only 15.38-15.51 percent of projected total national production, and in calendar 1975 would be only 13.84-14.29 percent. This contrasts with an average of 16.16 percent for the fiscal years 1954-1967 (1967 estimated

Second, looking at the economy as a whole, including non-Federal public outlays, projected public outlays for goods and services at all levels would be 20.4-20.6 percent of GNP in 1970 and 19.6-20.3 percent in 1975, compared with 19.8 percent in 1965. Private consumer outlays would be 63.2-63.3 percent of GNP in 1970 and 63.3-63.5 percent in 1975, compared with 63.7 percent in 1965. And gross private domestic investment would be 16.2-16.3 percent of GNP in 1970 and 16.4-16.9 percent in 1975, compared with 16.5 percent in 1965. These portrayals are for calendar years.**

Third, the total Federal Budget, which stood at 101.4 billion dollars in calendar 1965, would rise to 135 billion in calendar 1970, and 155 billion in calendar 1975. Thus, the Federal Budget in 1975 would be less than 54 billion dollars higher than in

---

*See Chart Four.

**See Chart Five.

1965. For the decade as a whole, Federal outlays would aggregate about 330 billion dollars more than if the Federal Budget remained stationary at the 1965 level. This appears to be a quite moderate allocation to the great priorities served by the Federal Budget, as it would be less than one-seventh of the 2,315-2,442 billion dollars by which our total national production in the decade ahead would be in excess of projection ahead at the 1965 level.

Fourth, total Government purchases of goods and services at all levels would rise from 131 billion dollars in 1965 to 220 billion in 1975, an increase of about 90 billion. For the decade as a whole, these outlays would aggregate about 506 billion dollars more than if they remained stationary at the 1965 level. This also seems moderate, coming to not much more than one-fifth of the 2,315-2,442 billion aggregate increment in total national production.

Fifth, these projections strike a fair balance between Federal and State and local responsibilities. While total Federal purchases of goods and services would rise from 64.6 billion dollars in 1965 to 85 billion in 1970 and 100 billion in 1975, State and local would rise from 66.4 billion to 94.0 billion and then to 120.0 billion.

Sixth, from 1962 through 1965, Federal tax reductions and concessions had an annual value in the aggregate of close to 20 billion dollars when fully effective. In the decade ahead, this surrender of Federal revenues would aggregate about 200 billion dollars, without allowing for the fact that a growing economy increases the annual value of given rate reductions in taxes. This allowance might well increase the aggregate cost of these already-enact tax cuts to 300 billion in the decade ahead. Having committed the Federal Budget to this amount of tax reduction, we can certainly afford to increase Federal Budget outlays by only slightly more than this--about 330 billion dollars--in the aggregate in the decade ahead. Fo every dollar of such increased outlays, unlike a dollar of tax reduction, can be pointed directly toward what the nation and the people need most.

Tax implications of the proposed Federal Budget

It is reliably estimated that the increased tax revenues accruing each year to the Federal Government from economic growth at existing tax rates may lift Federal tax collections (Conventional Budget concept) by about 8-10 billion dollars a year on the average during the next ten years. For the decade as a whole, about 400-550 billion dollars more would be collected in Federal taxes than if tax collections remain stationary at the 1965 level--i.e., if the U.S. economy did not grow. This 400-550 billion dollars in increased tax collections would be tremendously in excess of the estimated 330 billion dollars representing aggregate increased Federal outlays over the decade. This huge difference could be devoted in part to properly-placed tax reductions, or to help States and localities which are much harder pressed in financial terms than the Federal Government.

Allowance for excessive optimism in the estimates

It may be argued that the projections for U.S. economic growth are too high, and that therefore there would be less room than has been estimated for utilizing the Federal Budget along the lines indicated above. The first answer to this argument is contained in the demonstration just above, showing the vast margin between estimated increased Federal outlays and estimated increased Federal tax collections at existing tax rates. The second and far more important argument is that the very meaning of priorities is that they should receive first call upon our resources; and there is plenty of room in the national economy--if necessary--to use some properly devised tax increases to cut back on what we need least in order to take care of what we need most. This point is elaborated further in the following discussion of the inflationary problem.

XII. The Moral Aspects Of The Problem Of Inflation

The nature of the resistance in some quarters to the "Freedom Budget" is not unpredictable. Its goals will be accepted as worthy, but held undesirable in part on the ground that they would be "inflationary." It is none too early to provide objective answers to any such doubts about the "Freedom Budget."

A balanced view of the inflationary danger

The desirable purpose of avoiding price increases, and especially those affecting the cost of living, has undoubtedly led to gross exaggeration of inflationary dangers in the U.S. economy. From 1929 through 1965, the average annual increase in consumer prices was about 1.8 percent, in wholesale prices about 2.2 percent, and in industrial prices about 2.1 percent. This has not been a high rate of price advance, when compared either with earlier periods in American history or with experience overseas.

Moreover, the bulk of these price increases occurred during the World War II and reconversion eras, and during 1950-1951 within the Korean war era, when the Chinese intervention led to very drastic and sudden changes in expectancies and to a good deal of scare buying. These two inflationary movements could have been checked much more effectively by higher taxes during World War II and less precipitate abandonment of controls immediately thereafter, and by more prompt imposition of controls during the Korean war. Be that as it may, nobody said in those times that the need to curb inflation should cause us to cut back on what we needed most. Instead, we accelerated what we needed most, and cut back on what we needed least.

Aside from these two wartime eras, which are entirely dissimilar to anything now confronting us, the period from 1929 through 1965 netted virtual stability of con-

sumer, wholesame, and industrial prices.

In addition, experience during the past decade has tended to discredit the classical dogma that there is a necessary and unavoidable direct correlation between the rate of economic growth, and how close we are to full employment, and price inflation. Price inflation was severe on the average during the period 1955-1958, within which we experienced a substantial economic recession, netted practically no economic growth, and witnessed very large increases in unemployment. In contrast, the years 1960-1965, when we accelerated greatly the rate of economic growth, and reduced substantially the amount of unemployment, registered an average annual increase of only 1.3 percent in consumer prices, 0.3 percent in wholesale prices, and 0.2 percent in industrial prices.

It is true that price increases have been considerably larger than this during the past year and in recent months. But these do not yet justify reversion to the classical dogma that periods of stagnation and unemployment in the long-run net less price inflation than periods of optimum economic growth and full employment (short of the hyper-pressures of a full-scale war, or very drastic changes in expectancies, such as during 1950-1951).

Nor have those economists and others who repeat again and again that a moderate amount of price inflation is inequitable, and hurts those most who need help most, attempted any convincing documentation of their thesis. A moderate long-range upward movement of prices is not in itself beneficial. But it may well be argued from U.S. experience that the economic conditions and public programs during such periods have yielded more equity and more improvements in income distribution than those periods where stable prices have been accompanied by neglect of the needs of the nation and the people. Aside from falling farm prices, the period 1922-1929 was characterized by a remarkably stable price level. But sins of commission and omission on public and private fronts steadily worsened income distribution, hurt those who needed help most, and ultimately brought on the Great Depression. The stock market crash was only the spark.

However, it is not the purpose here to get involved in debate as to the relative merits of a stable and moderately rising price level. The "Freedom Budget" is willing to assume that a virtually stable price level may be desirable, and that "inflation," even in small doses, is undesirable. The real economic problem is how we combat inflation or the threat of inflation, and this is at bottom a moral or social question.

The moral or social question

resources will permit at their current state of development, we must obviously cut back on some things. But what should we cut back on?

If the increased expenditures for the Vietnam war in themselves were to place excessive pressure upon our productive resources (which seems unlikely, in that these increases amount to much less than the current economic slack), it would not be the national policy to avoid these increased defense outlays. Instead, through higher taxes, we would cut back on something else. This would amount to saying that the increased defense outlays were a top national priority.

But for reasons stated at the very outset, this is not our only high national priority, and we would come a cropper if we acted as if it were. The other great national priorities set forth in the "Freedom Budget" are also highly important, and far more important than scores of billions of dollars of current consumption for some purposes, and the investments and production facilities utilized to serve such consumption. To reject this thesis in whole or part, in the actual evolution of our national economic policies, would be deciding that the goals of a Great Society should bear the costs of a limited war, while others batten on the even greater "prosperity" which the stimulous of additional war-spending provides.

Expressed differently, while those concerned with the prevention of inflation insist that they want to prevent its cruel ravages upon the least protected and least fortunate, the above-cited method of combating inflation would do just the reverse.

Even before the new situation in Vietnam, some of our national economic policies afford vivid examples of how an avowed campaign against inflation has redistributed income in the wrong direction, hurt those who need help most, and helped those most who need help not at all. It has been estimated that, from 1953 through 1965, the policy of tight money and rising interest rates has transferred about 60 billion dollars on net balance. Most of these transfers have been toward those who did not need this income supplementation. Most of these transfers have been away from those paying the higher rates of interest: the homeowner in the lower half of the income structure, including the poor; the worker buying a second-hand car on time to drive to his place of employment; the family buying a television set on time, so that those among its breadwinners who are not employed may have something to watch; the family borrowing to finance an illness of long duration or to send a child to college; the small businessman and the farmer who are far more dependent upon credit than the industrial giants whose overinvestment programs are not curtailed by tight money or rising interest rates. Even now, the Federal Government is paying out more than 4

billion dollars more in interest payments than if the interest rates of 1952 had been maintained, and this alone comes to about 2½ times the fiscal 1967 Federal Budget item for the Office of Economic Opportunity. The same policy has done even more damage to States and localities endeavoring to perform essential public service.

These excess interest payments during the thirteen-year period 1953-1965 inclusive have involved annual income transfers af about 5½ billion dollars a year. Such income transfers, used in different ways through different programs, could have increased for each of these thirteen years by more than $600 the incomes of all of the families in the U.S. with annual incomes under $3,000, or increased by more than $3,000 in each of these years the incomes of all the families in the U.S. with incomes of under $1,000.

The technical experts may continue to argue whether this monetary policy has helped or hurt the performance of the economy as a whole, with some of them taking the latter view. But we certainly could devise methods to control inflation, more selective in nature, which would accomplish better economic results and not fly in the face of all our social and human purposes.

While the monetary policies have been used to fight inflation, tax cuts having an aggregate annual value of close to 20 billion dollars were undertaken from 1962 through 1965 for the opposite purpose of stimulating the economy. There are differences of viewpoint as to whether this was the most effective way of providing economic stimulation. In the current situation, there is now a growing recognition that the investment boom in plant and equipment has become excessive and is the main danger of an inflationary nature. But regardless of this, a large part of the increased output and job opportunities resulting from the tax cuts served national purpose of far lower priority than those which would have been served by a different balance between tax cuts and increased Federal spending, and this new balance is required in future.

Taking together the interest payment transfers having an average annual value of about 6 billion dollars, and the tax cuts to stimulate investment having an annual value of not far from 9 billion, the total comes to about 15 billion. This is more than the amount that would be required to lift all of the 34 million poor in the U.S. (continued on page 41)

above the poverty-income ceiling. Even allowing for some differences in interpretation, this leaves no room for the argument that we cannot afford to do what we need most.

Under any circumstances, it would be monstrous distortion of our values as a nation and a people to argue that we should balance the desirability of reducing unemployment (and meeting the other priorities of our national needs) against the prospects of some increases in the price level. Nothing could be more unjust than to ask unemployed breadwinners or the inhabitants of the slum ghettos to bear the cost of assuring the affluent against some increases in the prices they pay for a third car in the garage, or another fur coat, or even a few more steak dinners per week. If, in truth, the pressures upon our productive resources became more severe than is now apparent, let us by all means act against inflation--but act with fairness and regard for values.

We may be able to carry forward the great priorities of the "Freedom Budget" without substantial tax increases, which in large measure would merely repeal tax cuts of very low priority. But if not, we should impose the burden where it can easily be borne, instead of fastening it around the necks of the downtrodden.

These deviations from appropriate economic and social policies in the past, and any threat of further deviations in the future, do not result from ill-will. They result because we have not yet made an adequate budget of our needs and resources, identified priorities accordingly, and adjusted policies and programs to meet these goals.

All this the "Freedom Budget" would enable us to do. It would reconfirm our power to act, improve our sense of direction, and fortify our sense of justice. It would rally to the support of its objectives the American people, and their leaders in every walk of life. It would combine economic progress with moral purpose. And that is the true role of our great democracy in a troubled world.

SEE CHARTS ATTACHED

TECHNICAL NOTE

The economic and financial projections in the "Freedom Budget" are based upon a "model" for a comprehensive U.S. economic budget, or balance sheet of our resources and needs. All of the components are reconciled on both the product and income side. As projections of this type involve a quantitative balance sheet which reconciles all items, it is hardly possible to embody in the "Freedom Budget" what might be called "average" projections, including those of several competent organizations interested in this problem. Nonetheless, the projections for overall economic growth in the "Freedom Budget," and correspondingly for some components thereof, are set forth within a band or range which takes account of some of these competent projections.

For example, the "Freedom Budget" projects a 1975 gross national product within a range of from 1,085 billion dollars to 1,120 billion dollars, measured in 1964 dollars. A study entitled The Dollar Costs of Our National Goals, prepared by Leonard A. Lecht and published by the National Planning Association in May 1965, projects for 1975 a gross national product of 981 billion dollars, which would be about 1,010 billion when converted into 1964 dollars. The Conference on Economic Progress, in its studies, projects a 1975 gross national product of 1,120 billion dollars in 1964 dollars. A pioneer and widely-accepted study in 1958 projected an optimum gross national product for 1975 of about 1,050 billion dollars measured in 1957 dollars, which would be 1,173 billion when converted into 1964 dollars.

The varying estimates of our gross national product potential by 1975 result primarily from varying estimates as to the feasible growth in productivity or output per man-hour in the private sector. Some competent estimates on this score have ranged from 3.0 percent to 3.8 percent. The "Freedom Budget" utilizes estimates within a band ranging from about 3 $^{1}/_{4}$ percent to about 3 $^{3}/_{4}$ percent, consistent with estimated gross national production ranging from 1,085 billion dollars to 1,120 billion in 1975, measured in 1964 dollars.

The probabilities are that any one of the various projections is "valid," depending upon the relative weight attached to the cost of increased exertion and policy efforts, measured against the benefits to be achieved, and this involves taking into account not only purely economic issues but also the feasibility of various ranges of policy endeavors and popular attitudes.

While the "Freedom Budget" projects the 1975 gross national product within the ranges set forth above, it does not correspondingly use ranges in quantifying the great domestic priority objectives. To do so would overcomplicate the entire presentation. Much more important, the "Freedom Budget" is based upon the proposition that the same great domestic priority objective should be sought whichever of the two gross national

product targets is chosen, which would mean simply that the choice of the lower GNP target (in contrast with the high GNP target) would require a slightly lower rate of growth in relatively less essential areas of endeavor in order to leave room for the great domestic priority targets. The U.S. economy is now so productive, and its potential for further gains is so immense, that we can afford and cannot afford to neglect these great domestic priority targets, whether the GNP by 1975 grows to 1,085 billion dollars or 1,120 billion, or even only to 1,000 billion.

Indicative of the reasonableness of the great domestic priority targets set forth in the "Freedom Budget" is a comparison of their magnitudes with estimates based on a detailed study prepared by Gerhard Colm and Peter Wagner of the National Planning Association and published by the Brookings Institution. In the following table, column (a) represents the Federal Budget goals of the "Freedom Budget" for 1975. Column (b) presents estimates based on the NPA-Brookings study. Before the two columns can be compared it must be noted that the "Freedom Budget" (column a) is stated is 1964 dollars and in terms of the Conventional Federal Budget, while the NPA projections (column b) are stated in terms of current dollars. assuming an annual price rise of 1.5 percent, and in terms of the Federal Cash Budget. Column (c) presents the Colm-Wagner projections adjusted to achieve comparability with the "Freedom Budget" that is, they are expressed in 1964 dollars and in terms of the Conventional Federal Budget. This reduces the total from 71.3 billion dollars to 51.5 billion. Actually, the Colm-Wagner projections for 1975 are extrapolations of their estimates for fiscal year 1973. They are the highest of four alternative projections, and are made under the assumption that there will be substantial reduction in arms outlays. With the exception of an alternative of the Colm-Wagner projections which excludes adoption of any new programs, the projected totals based on the other three alternatives would range between 41.0 billion dollars and 51.5 billion shown in the table. Thus, the 45.8 billion dollars total in the "Freedom Budget" for 1975 falls about midway between the lower Colm-Wagner projection of 41.0 billion and the higher Colm-Wagner projection of 51.5 billion.

	(in billions of dollars)		
	(a)	(b)	(c)
Housing and community development	3.8	9.5	6.2
Health services and research	7.0	9.5	7.8
Public welfare: labor and manpower	7.5	19.3	10.4
Contribution to OASDHI	2.0	-	-
Economic Opportunity	4.0	7.0	5.7
Education and research	9.5	16.3	13.8
Agriculture; natural resources	12.0	9.7	7.6
	45.8	71.3	51.5